"A" Collection

App. F. IX-4

1938.
(Legis)

File No. 31/38

Previous References
J.S. 40-34 (1-3, 7-10)

Serial Nos. 1.

Letter References.

PRESERVED

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. one only.

Part B for March, 1939.

SUBJECT.

Promulgation into Law of the Bill to amend the Precincts ~~Regulation~~ Registration Act 1904.

Sd/) To The Compiler, Engl
No. P 4372 of 14.2.39

WD 0418—GPB—22,500—29-8-36

ordered that the Act to amend the Precincts Registration Act, 1904 be published in the Uganda Gazette as Regulation No. V of 1939

Bridget Nagenda
6/3/39

J.S. 13-37-1

PROMISES.

Legislative Council - June-July 1937.
1st July 1937.

(29) In the course of discussion of a cut motion regarding the framing of rules for the effective supervision of societies and associations in the State, registered under the Mysore Societies Registration Regulation moved by Mr. T. Ramachandra in connection with the demand under "5-Registration", Government stated that they noted the feeling that the existing provisions were inadequate and that, bearing in mind the suggestions offered, they would examine them in due course.

(Development Branch).

1) Submit with a draft to the Legislation of J.S. Coy's requesting him to examine the position and furnish a report to Govt.

Dm
22/9

Continued on next page

Supervision of societies and associations.

r. .. M[illegible]RA: Sir, I beg to move that demand for Rs.1,80,000 under " 5. Registration be reduced by Re.1/- to request the Government to frame rules for the effective supervision of societies and associations in the State which are registered under the Mysore Societies Registration Regulation and to demand the annual audited balance sheet, statement of accounts and reports. Many associations are being registered in our State. There is no effective control over these public bodies. They are only registered to submit annually the office-bearers' names. They receive Government grants. If they are asked to submit their annual reports with audited statements of accounts, that will conduce to their better working. A definite period may be fixed within which they have to submit their accounts and report, and if they fail to send them within that period, they must be penalised by withdrawing the recognition of registration. Because, registration confers a status upon them and makes them trustworthy. If registration is withdrawn, naturally the Government grant also will be withdrawn and along with it all the will go. Therefore, they will take care to the proper audit of the accounts and to submission in time to the Registrar.

Mr. D.V. GUNDAPPA: I should like to support this request. Something has got to be done to ensure that these registered public bodies perform their functions properly and also render accounts of receipts and expenditure and publish their statements of account. They receive a large measure of help from the members of the public and also from Government. Not merely that some of them enjoy very valuable civic privileges, some of them are the constituencies of electors for election to bodies like the Representative Assembly and the Legislative Council. I think it will be helpful to tone up the quality and the efficiency of these public bodies if Government take a little more interest and institute some agency to periodically scrutinise and examine the affairs of these bodies.

The [illegible] (Anjaneyulu Reddiyar Kadiri Rau): Under the existing provisions of the Regulation concerned, there are few requirements which these societies have got to fulfil. But Government note the feeling that these provisions are inadequate. They have noted the suggestions made here and will examine them in due course.

Mr. T. MADAPPA: Thanks. I withdraw the cut motion.

The cut motion was then withdrawn by leave of the House.

The other cut motions were either not moved or withdrawn.

Mr. PRESIDENT: The question is:

> "That the demand for Rs.3,15,500 under Income-tax, Stamps, Registration and Miscellaneous Taxes be granted".

The motion was adopted.

REPLY

To be written on this margin.)

4/12/37

OFFICE OF THE
SECOND MEMBER OF COUNCIL

NOTE

Dated .....2nd..September.....*1937*

GEN. & REV. SECRETARIAT
3 SEP. 1937
DEVELOPMENT BRANCH

2) At the last session of the Legislative Council, the Government promised to examine the question of the adequacy of the provisions of law relating to the registration of Societies. A brief statement giving the main provisions of law relating to such societies in Mysore and British India may be put up.

L.S.G. Secretary,
with compliments.

2-9-37

TYPING SECTION
2 SEP 1937
GENL. & REV.

3) Issue

Letter No D 2482 dated 2/9/37 to the Registrar of Societies requesting him to examine the question and furnish a report with statement of provisions of law in British India to be furnished

GEN. & REV.
27 SEP. 1937
DEVELOPMENT BRANCH

2729 J 3357

General and Revenue Secretariat | J.S File No. 13 of 1937. | [App. F. III—2

Serial No.

Letter No C. 317/37-38 dated the 20th Dec 1937 from the Registrar of Joint Stock Companies forwarding a report on the question of amending the law relating to the registration of societies

4) The Registrar reports that no rules have been framed under the British Indian Act and that the procedure in force in Madras has been adopted here. The matter is now taken under the executive orders of Govt to the Registrar. In the regulation as it exists, there is no provision for making any rules by the Registrar prescribing of such books nor is there a provision in the penalising the Society for not complying with certain information called for.

Regulation

5) The recommendation in the Local Advice Committee is that the annual audited balance sheets, statements of accounts and reports should be called for by Government as even the present practice of Calling annually the names of office bearers has not proved effective.

6) Under section 5 of the existing regulation the Society is required to file a statement of the members of the Board of Management every year and the order of the 2nd October 1935, are to remove the names of Societies from the list for default of the compliance with the requirement of this section

NOTE—Contn. Sheet.

WD 0284—GPB—30,000—13-8-37

Amendment of Registration of Societies Regulations

C

2729 / 335 /

J.S File No. 43 of 1937. | General and Revenue Secretariat

In the absence of a regular provision in the Regulations penalising the default the object to remove the names of the Registrar may be contested before Courts concerned in a Court of law and the executive orders of Govt may be viewed to be ineffective

1) The Registrar suggests amendment of the Regulations empowering Govt to call for audit accounts, a list of members, the Executive committee with a filing fee of Rupees one for each of the document, and penalising default by a levy of a fine of Rs. 25 for neg. If the regulations is to be amended on the lines proposed by the Registrar it seems also desirable to provide for making rules by Govt under the Regulations

2) The suggestions of the Registrar are for consideration and orders

29/1/38 3) The amendments as mentioned seem to be necessary. The Registrar will be requested to submit draft amendments

16/ 30/1/38

(Secy - 1/2/38)

4) As the societies other Registrar J.S. Companies, mentioned in para 3 above continue registered, he may be requested to submit draft amendments

Yes

(Member)

11) 5.1.38

16/5/1/38

Yes

Nil 8/1/38. 16/8/1 8/2/38

OFFICE OF THE SECOND MEMBER OF COUNCIL. - 6 JAN. 1938 No. 4812

3357

General and Revenue Secretariat | J. S File No. 13 of 1937. | [App. F. III—2

Serial No.

12) Dft letter to the Registrar is submitted for approval. The file may perhaps be submitted to the Govt. for perusal as the Registrar of Joint Stock Companies is connected to the Societies Registration Act also.

12/1/38 12/1

13) Dft Secy)

14) 17.1.38 16/1/38

Secy & SG)

15) 17.1.38

16) Issue 16 17.1.38

5152 & 53. 1.38

To Regr. of Companies.

5. Approves of his suggestion to amend the Act as suggested in the last para of his letter under advertence and forward the draft of a bill with necessary amendments with the Statement of Objects and Reasons early.

Secy A 27/1/38

6 Letter No 317/37-38 dated the 10th Feb 1938 from the Registrar of J.S. Companies forwarding draft Amendment to the Societies Registration Regulation

17) The amendments 1 & 2 in whole may be accepted. The levy of fine of Rs 2/- for may fix it

NOTE—Contn. Sheet.

WD 0284—GPB—30,000—13-8-37

Amendment of the Literary Scientific and Charitable Societies Registration Act

8 484/37 335/1/1345

J.S. File No. 13 of 1937. General and Revenue Secretariat

default of submission of any of the document
terms rather excessive when the filing fee
of the documents themselves is Re one each.
Instead of the existing words "a fine of
Rs 2/- for day ----- document" the words
a fine of not exceeding Rupees one per day for delay
in the submission of each of the above documents
may perhaps be substituted. The Legislative
Section may perhaps be consulted on this
~~for remarks, if any, perhaps be Committee of the~~
~~the words of the amendments~~. Subject to any

15/4/38

18) Subject to remarks

15/5/38

Asst Secy (Legs)

19)
The title of Act III of 1904
is "The Societies Registration
Act, 1904" so the
title of the corresponding Act
may be "The Societies
Registration (Amendment) Act 1938"

20) In the proposed section
5(bb) it is provided that
the balance sheet as on 31st Dec
should be submitted. Some
Societies may adopt some

Serial No.

this year ending 31 June. It is perhaps better to provide for this in clause (ee) itself. The clause may be worded as follows:-

"2. Section 5 of the Societies Registration Act, 1904 (as the same may be numbered as clause (a) thereof) and to that clause the following words shall be added at the end, namely,

"and a copy of the Balance Sheet together with a Statement of Receipts and Expenditure duly audited by a person who has been granted a certificate by Government under section 144 of the Indian Companies Act 1913 and shall also be filed with the Registrar of Joint Stock Companies at the same time.

NOTE—Contn. Sheet.

WD 0284—GPB—30,000—13-8-37

10

File No.. of 193 | General and Revenue Secretariat

3. After clause (a) of section 5 of the said Act the following clauses shall be inserted, namely,

(b) a filing fee of one rupee each shall be paid along with the list and the balance sheet referred to in clause (a). The said fee may be paid either by affixing impress court fee stamps or by crediting the amount to any Govt. Treasury and by attaching the duplicate challan to the documents.

(c) If a society fails to submit the returns as required by this section the Registrar shall call for the same, and to the Secretary of the society a specified date fixes for the submission of the returns, and if the society fails to comply with the requisition

Serial No.

may levy a fine of Rs 2/- (four rupees) for every day during which the default continues. The fine so levied shall be recoverable as an arrear of land revenue".

Submd. for orders.

21) Please put up a draft bill on the above lines. A new Section may also be added enabling Govt to make framework rules for carrying out the objects & terms

Sd/ 28/2

Sd/ 26/2

Sd/ 26/2

Sd/ 28/2

Sd/ 28/2

Sd/ 28

Amendment of Hindu Registration Act

4346

J. & File No. 13 of 1937. General and Revenue Secretariat

Memo 34/35

The Statement of Objects and Reasons sent by the Registrar of Joint Stock Companies (Flag S) has been shown to me. This may hereafter be adopted as the Statement of general principles. This is a Council case. Submit for orders.

17/3/38

16/3/38

(Secy A & G.)

In view to dispose of by circulation, if approved

16 3 38

(Dewan)

16/3/38

M.I.

22-3-38

25-3-38

(Secy Rev)

C.B. circulate

25/3

25/3

DEWAN'S OFFICE
22 MAR 1938
No. 6297

SECY. LOCAL SELF GOVT. OF MYSORE
18 MAR 1938

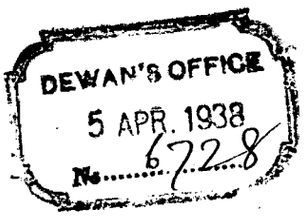
13

For Disposal by Circulation. **No. C. 446**

1937-38

GENERAL AND REVENUE SECRETARIAT.

Council Matter.



Subject

Bill to amend the Societies Registration Act, 1904.

28) *Circulated to the Members of Council.*

By Order,

Chief Secretary to Government.

25th March 1938

First Member of Council. 29) 26/3

Second Member of Council. (Seen)

30) For favour of final note.
Second Member.)
7315
2.4.38

31) F. N. Signed by Member.
26/3
28/3
CCG
24/3/38
32) S. N. put up.
DEWAN)
4.4.38

14

Final Note by the Second Member of Council.

Subject.—

Bill to amend the Societies Registration Act, 1904.

33) At the session of the Legislative Council in June 1937 it was pointed out by some of the members that there was no provision in the Societies Registration Act of 1904 to ensure effective supervision over the Societies registered under the Act and that rules might be framed for such supervision by demanding annual audited balance sheets and statement of accounts etc. from the Societies, as most of them were receiving grants from Government. It was promised that the question would be examined.

34) The Registrar of Joint Stock Companies has accordingly suggested the amendment of the Act and forwarded a draft bill for the purpose together with a statement of objects and reasons. The draft bill which has been scrutinised and recast in the Secretariat appears to be suitable.

35) The Dewan and the First Member of Council have also agreed to it and the gracious sanction of His Highness is sought to the measure. The bill will be placed before the Representative Assembly at its next session in June 1938 and will be introduced in the Legislative Council in due course.

N. Madhava Rau

MEMBER OF COUNCIL.

Bangalore,
2nd April 1938.

Submitted to His Highness.

---

36) *I submit herewith a Final Note by the* Second *Member of Council* re: Bill to amend the Societies Registration Act, 1904,

for His Highness' gracious approval.

Mirza M. Ismail
Dewan.
5-4-38

16

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Bill to amend the Societies Registration Act, 1904.

37

Order.

~~KRW~~

8/4/38

General and Revenue
Secretariat.

C.446 17

SUBJECT :—

Bill to amend the Societies Registration Act, 1904

(*)

31. All urgent or confidential files returned with His Highness' orders may in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Headquarters and then sent to the Secretariat concerned for the issue of orders.

38

Circulated to Members of Council for perusal of ___ * Highness' orders before/after issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

Chief Secretary to Government.

Through the Secretary to Government,

L. & L. Department.

14 4 38

39

7261
14/4.

FIRST MEMBER OF COUNCIL.

16/4

7671
14.4.38

SECOND MEMBER OF COUNCIL.

14/4/38

Secy. to Govt., L.S.G.
Dept. with compliments

16/4

18/4

16/4/38

41

16/4/38

18/4

NOTE.—Contn. sheet.

WD 1170—GPB—1,000—24-12-36

6365 P 137/45 Vol I 39

4346

Societies Regn. Amendment Bill (1) 1937

18

General and Revenue Secretariat

File No. 13 of 193). [App. F. III—2

Serial No.

42) The file may now be sent to the Protection Branch for necessary further action Subs

28/4/38

16$ = 3/8

Protn. Br.)

43) The statement of objects & reasons is proposed to be adopted as ref. of general principles (vide para 26)

44) If approved copies of the same will be made & sent to R.A Office for circulation in the agenda for June Session

5/5/38

20 R.A copies with 3 copies of the Statement.

45) 3 Copies taken & file returned

Protection Br 7/5/38

7.5

71-W.

Typing section. for 3 copies of 71-W.

6/5

OFFICE OF THE SECRETARY
1 MAY 1938
REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL.

R.A Secy.

NOTE—Contn. Sheet.

WD 0284—GPB—30,000—13-8-37

19

6305 D-1781

Societies Registration (Amendment) Bill

File No. of 193 | General and Revenue Secretariat

46) The Statement of Principles has been sent to R. & Offices

47) It is for orders if the Bill may be published under rule 8 of the L.C rules for being introduced in the L.C meeting of June

48) The St. of Principles with, if approved, the adoption as the St. of Objects and Reasons.

Sd. 19/5

Sd. for order

49) may be published.

(Sd. Members & Dewan)

Sd. 20/5

50) JP 23/5

51) Ans 23-5-35

Sd. 24/5

L.C with Offices with 3 typed Copies of the Bill St of Objects & Reasons.

Sd. 25/5

52) This has been received too late for publication in the Gazette of today. According to the B.B. Work calendar, this is the last Gazette day for publication of Bills. But according to the standing orders, the Bill may be published and sent to the members on 1st June (Wednesday) 1938. If agreed, this Bill and the other bills that may be received will be published in Gazette Extraordinary on Wednesday next. Sd. 26/5

DEWAN'S OFFICE 23 MAY 1933 No. 8108

Last Gazette day for publication is 26/5 morning

66 75 23/5

Typing section for making 3 copies of the Bills & St of Objects & reasons. Sd. 25/5

TYPING SECTION 27 MAY 1933 STN. & [illegible] SECTT.

Sd. 26/5

303 D. 1791

Societies Registration (Amendment) Bill.

General and Revenue Secretariat | File No. | of 193 | [App. F. III—2

OFFI. SECOND MEMBER OF COUNCIL. 3 JUNE 1938 No. 9282

Serial No.

53) Three copies of the Bill taken and the file puts to Prot. Br.

26.5.38 26.8

54) Subd. for orders as to who is to be in charge of this Bill in the R.A.

Secy 2/6. 55) Secy to L.S.G may be in charge of the Bill

Secy to L.S.G

hgj 2.6

56) 26 35

If Member

hgj 2.6.

57) 5/6/38

876

SECY. LOCAL SELF GOVT. 2. JUN 1938 GOVT. OF MYSORE.

58) The general principles of this Bill were received by the R.C.

58) Subd for orders if this following motions may be included in the agenda for the ensuing meeting of L.C.

(a) Motion that the Bill be

NOTE—Contn. Sheet.

WD 0284—GPB—30,000—13-8-37

21) 6365 ~~D 1781~~ D116

Societies Regn. Bill.

File No. of 193 . | General and Revenue Secretariat

Read in council

(by) motion that this Bill be referred to a S.C.

Sec 14/6 (by) these 2 motions made included in the agenda

2nd by ~~Hon~~ member)

by R.6.

(by) Mill 13/6/38.

by 13.6

L.C. Time for note and return

Sec 14/6 (by) notes and pets to the Prot: Bz.)

15/6/38 R 15.6

(by) The Bill was referred to a Select committee at the last L.C. meeting

(by) This may be sup. to reporting section for immediately sitting. Discuss the names of the members of the S.C.

R.A. + L.C. Offices

Sec 30/7/38 work

(by) Summ. for orders as may in the Orders of the S.C. meeting

Sec 1/8/38 work

OFFICE OF THE SECOND MEMBER OF COUNCIL. 12 JUNE 1938 No. 958

OFFICE OF THE SECRETARIAT 30 JULY 1938 REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL.

Copy of forwarding put up. Sec

380/P/38 Societies Regn. Amendment

General and Revenue Secretariat | File No. | of 193 | [App. F. III—2

Serial No.

65) Subd for orders if the S. C meeting may be fixed at 2 P.M on Tuesday the 13th inst.

5c 8/12/38. (2nd member) hg 3.12

66) P.C 4.12 hg 5/12

67) Subd. with a draft of notice of the meeting.

5c 5/12/38. Issued hg 6/12

Issued No 2811-16 dy 6/12

GND DELHI ... SECTT.
3 DEC. 1938
... 4-4-69 ...

5 ... 15 ...

NOTE- Contn. Sheet.

WD 0544—GPB—30,000—2-9-38

3800 P 38

KHAN BAHADUR
MOHAMMED ABBASKHAN

hg 7.12.38

REV. SECRETARIAT 7 DEC 1938 PROT. BANGALORE

ARCOT SRINIVASACHAR ROAD
BANGALORE CITY

7th December 1938.

Dear Sir,

I have just now received official memorandum No.P.2811-16 dated 6-12-1938 stating that the meeting of the Select Committee appointed to consider the Society Registration Amendment Bill will be held in the Chambers of the Second Member of Council at 2 P.M.on the 13th instant. I may inform you that meetings of the Committee on Constitutional Reforms have been fixed for 3 days i.e.13th,14th and 15th instant and being a member of that Committee I shall be required to attend it on those days. The other two non-official members of the Select Committee that is Messrs. D.V.Gundappa & D.H.Chandrasekharaiah are also the members of the Committee on the Constitutional Reforms and they may not be able to attend the Select Committee meeting. May I therefore take the liberty to suggest that the meeting of the Select Committee be fixed on any day other than the days on which the meeting of the Reforms Committee are to be held.

I am,
Yours sincerely,
Mohammed abbaskhan

A.Sundararaja Rao, Esq., B.A., B.L.,
Secretary,
Legislative Council,
BANGALORE.

6) 5 wks. for orders.

7) All the 3 new official members of the Select Committee are members of the C.R.C. If considered necessary the date of the S.C may perhaps be changed to the 16th inst from the 13th

2nd member) 7) Yes. Orders please

hg 7.12

OFFICE OF THE SECOND MEMBER OF COUNCIL
7 DEC. 1938
No. 4593

7.12

7.12

Societies Registration Regn
Amend Bill

General and Revenue Secretariat | File No. | of 193 . | [App. F. III—2

Serial No.

19 DEC. 1938

Sec. circ. with draft copies of notice
See 8/12/38 Dom. 7) issued by 8.12
issued no 2887-92 of 8/12
7h) Sec. circ. with draft report of the select committee.
See 16/12/38. 2 no members) 7k) Appd. by 18-12.
J.C. 19.12
11) issued by 19.12
issued no 2983-87 of 21/12
7l) Sec. circ. Rao could not attend the meeting. The draft was approved by the members. Gurudeepa Rao, Krishnan, Rangaswami were present.
7m) It is for orders if they may be adopted & the report forwarded with these modifications.

H. Y.

See 29/12/38 Sec.

NOTE—Contn. Sheet.

WD 0544—GPB—30,000—2-9-83

24)

D985

3899/1

Specific Regn. Amdt.

File No. of 193

General and Revenue Secretariat

91) Sent with 3 copies of the report with the changes incorporated.

92) If approved they may be sent to L.C. office for publication.

SG
30/12/38.

BVN
L.C. Office)

yes. issue
SN/bg
31.12

93) 3 Copies taken & file returned.

BVN
3.1.39.

Proofs (G)
3.1.39

OFFICE OF THE SECRETARY
31 DEC. 1938
REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL.
Received at 5-20 p.m.
BVN

94) A copy of the Bill as amended by the S-C is put up.

If approved it may be sent to L.C. office for getting copies printed

SG
4/1/39.

bg
4/1

L. Office)

95) Copy taken & file returned.

BVN.
5-1-39.

Proofs (G)
5.1

OFFICE OF THE SECRETARY
4 JAN. 1939
REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL.

D.1052/1.c. 3.

Societies Registration (Amendment) Bill.

(25

General and Revenue Secretariat | File No. | of 193 | [App. F. III—2

Serial No.

85

The report of the select committee has been published in the Gazette of the 5th. The Bill as amended by the committee may be taken into consideration at the ensuing session of the L.C.

86 The following motions are submitted for approval

(a) motion that the report of the select committee on the Societies Registration (Amendment) Bill and the Bill as amended by the said committee be taken into consideration.

87 Mover: Second member
Seconder: L.S.G. Secy.

(b) motion that the Bill as amended be passed.

Mover:- Second member
Seconder:- L.S.G. Secy

SECOND MEMBER OF COUNCIL,
6 JAN. 1939
No. 6266

OFFICE OF THE SECRETARY
11 JAN. 1939
REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL.

NOTE—Cont. Sheet.

Sec 6/1/39. 2nd member

WD 0544—GPB—30,000—2-9-33

L.C. 6/1

2. L.C. office for note & return
Sec 11/1.

Noted & returned. Proper GV
BSW 11-1-39.

9.1
KG 14.1

261

5952

Societies Registration (Amendment) Bill

File No. of 193 . .

General and Revenue Secretariat

90) The report of the Select Committee and the bill as amended by it was considered by the Legislative Council at its recent session and the amended bill was passed by that House ~~including~~

a draft Final note is submitted for orders.

Dom 31.1.39 (A Devadhara) by 1-2-39

91) J.S.A 2.2

92) Signed Final note is placed in the file

2.2.39

D.S.N put up

Dom 3.2.39

93) Send with D.S.N

Dom 3/2 Dewan) by 3.2.39

DEWAN'S OFFICE
3 FEB 1939
No. S.611

SECOND L... COUNCIL
No. 7.1.34

27

Final Note by the Second Member of Council.

Subject.— Promulgation into law of the Bill to amend the Societies Registration Act, 1904.

The gracious sanction of His Highness was accorded on the 8th April 1938 to the introduction of the Bill to amend the Societies Registration Act, 1904. The general principles of this Bill were placed before the Representative Assembly in June 1938 and were accepted by it. The Bill was thereafter introduced in the Legislative Council at its Budget Session in 1938 and was referred by it to a Select Committee. The Bill as revised by the Select Committee was considered and passed by the Legislative Council at its recent session.

I solicit the gracious sanction of His Highness for promulgating the Bill into law.

M. Visvesvaraya

Second Member of Council.

Bangalore,
2nd February 1939.

Submitted to His Highness.

96

I submit herewith a Final Note by the Second *Member of Council on the subject of* the promulgation into law of the Bill to amend the Societies Registration Act, 1904, *for His Highness' gracious* ~~*approval*~~ sanction.

Mirza M. Ismail
Dewan.

Camp: Jog,)
4th February 1939.)

29

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Promulgation into law of the Bill to amend the Societies Registration Act, 1904.

Ch. Sec.
Pls
7-2-39

No. 544

97/

Order.

~~KRW~~
7/2/39

MS
9.2.39

30

H. H 543

General and Revenue
Secretariat.

SUBJECT:—
Promulgation into law of the Bill to amend the Societies Registration Act, 1904

Circulated to Members of Council for perusal of His Highness' orders before/~~after~~ issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

Chief Secretary to Government.

(*)

31. All urgent or confidential files returned with His Highness' orders may in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Through the Secretary to Government,
Legislative Department.

6463/6-2-39

FIRST MEMBER OF COUNCIL.

7328/10-2-39

SECOND MEMBER OF COUNCIL.

NOTE.—Contn. sheet

WD 01152—GPB—750—21-12-38

31

Societies Registration (amendment) Act

V of 39

General and Revenue Secretariat | Dept. File No. 31 of 1938. | [App. F. III—2

Serial No. 101

The previous sanction of His Highness was given on the 7th February 1939 for promulgation into law of the Bill.

A draft G.O. directing its Publication as Act V of 1939 is submitted.

Sec 11.2.39. Gen Secy

proof to be sent to me by 13-2

SECRETARY. 13 FEB. 1939

by 13-2

by 13.2.39

by 13-2

Issued G.O. no P 4372 dated 14.2.39 directing publication as Act V of 1939

A. Nee 11.3.39

NOTE—Contn. Sheet.

WD 0544—GPB—30,000—2-9-38

Encl. to para 22

Bill to amend the Societies Registration Act, 1904.

Whereas it is expedient to amend the Societies Registration Act, 1904; it is hereby enacted as follows:-

1. This Act may be called the Societies Registration (Amendment) Act, 193 —

2. Section 5 of the Societies Registration Act, 1904, (hereinafter referred to as the ~~Societies~~ said Act) ~~may~~ shall be numbered as clause (a thereof and to that clause the following words shall be added at the end, namely,

"and a copy of the Balance Sheet together with a statement of receipts and expenditure audited by a person who has been granted a certificate by Government under section 144 of the Mysore Companies Act 1917 shall also be filed with the Registrar of Joint Stock Companies at the same time".

3. After clause (a) of section 5 of the said Act the following clauses shall be inserted, namely,

"(b) A filing fee of one rupee each shall be paid along with the list and the Balance Sheet referred to in clause (a). The said fee may be paid either by affixing Mysore Court Fee Stamps or by crediting the amount to any Government Treasury and by attaching the duplicate chellan to the documents.

"(c) If a Society fails to submit the returns as required by this section the Registrar shall call for the same to be submitted within a specified date, and if the Society still makes default in submitting the returns, the Registrar ~~xxxxx~~ may levy a fine of Rs.2/- for every day during which the default continues. The fine so levied shall be recoverable as an arrear of land revenue."

4. After section 21 of the said Act the following new section shall be added, namely,

"22. The Government may make such rules as it thinks expedient for the carrying out of the purposes of this Act".

Subs Kannada

Objects and Reasons

34

STATEMENT ~~OF OBJECTS AND REASONS.~~ General principles of the Bill to amend the Societies Registration Act.

The Mysore Societies Act, III of 1904, was framed on the model of the British Indian Societies Act XXI of 1860, which (with the exception of two minor amendments, Act XXII of 1927 and Act II of 1912) has not been amended.

According to Section 5 of the Act, a Society is required to send a list of Members of the Governing Body and there is no penal provision in the said Act to enforce its submission. Several Societies have been registered and there is no record whether they are working or not. ~~Again~~ there have been several complaints of mismanagement of ~~the~~ Societies, and in the absence of any provision for the submission of "Receipt and Expenditure" accounts by these Societies, there is no check on their working.

There have been several representations in the Representative Assembly and Legislative Council ~~(Sessions)~~, for measures to effectively check the ~~proper~~ management of these Societies.

Though in the year 1935, rules for the removal of the names of defunct Societies, and for the destruction of their records etc., based on the rules in force in Madras, were introduced here also, but these provisions have not improved the working of these Societies much.

In the last June Session of the Legislative Council, it was urged ~~by the members~~, that rules for the effective supervision of the Societies by demanding the annual audited Balance Sheets and Statements of Accounts and reports may be framed, and that on default by the Societies, Registration ~~may~~ be cancelled. As most of the Societies receive Govern-

ment

Government grants, it is necessary to have a check over their working.

The principal changes proposed are the following:-

With a view to ~~have~~ secure effective control over the Societies, it is proposed to insist on the submission of a Balance Sheet and accounts audited by a person who has been granted a certificate by Government under Section 144 of the Mysore Companies Act 1917. The levy of a ~~small~~ filing fee of Rupee one, for each of the lists of members and the Balance sheet is recommended.

The Registrar ~~has been~~ is empowered to call for the above documents in case of default on the part of the Societies, and to levy, in his discretion, a fine of Rs.2/- per day of delay. To facilitate the recovery of fines, ~~it has also~~ provision has been made been provided for their recovery as arrears of Land Revenue.

Provision is also made empowering Govt to frame rules for carrying out the provisions of the Act.

Abdul Majid.

REGISTRAR.

GG.

We, the Members of the Select Committe to which the Societies Registration (Amendment) Bill was referred, have considered the several clauses of the Bill and beg to submit the following Report:-

Clause 2.- The proposed addition may be inserted as a separate clause and numbered as 5(b).

The figure "1917" may be changed to "1938" and the following words be inserted after that figure, viz.,'or by a special auditor approved by Government'. This is intended to provide for the audit of the accounts maintained in a language in which there is a paucity of certified auditors.

Clause 3.- The clauses proposed to be inserted may be numbered as 5(c) and 5(d).

We consider that the filing fee fixed in Clause 3(c) is too high and we recommend that it may be reduced to annas 8 for each document.

As most of the institutions registered under this Act are Charitable Institutions the fine now fixed for default appears to be too heavy and we propose that this fine may be reduced to ~~at~~ 0-8-0 for each day of default. The Bill does not empower the

37

Registrar to extend the time for submissio of returns in suitable cases. The genera sense of the Committee is that he should have discretion to extend time in suitable cases on the application of the Societies. We have made provision for this by amending clause (d). In order to bring out clearly the several suggestions made by us clause (d) may be recast as follows:-

"(d) If a society fails to submit the returns as required by clauses (a) an (b) of this Section, the Registrar shall call for the same to be submitted within a specified date not earlier than fifteen days from the date of notice. If such a society applies for extension of time within the period specified, the Registrar shall have the power to extend the period from time to time not exceeding two months in all from the date specified by the Registrar. If the Society makes default in submitting the returns on or before the date specified by the Registrar, he shall levy a fine of eight annas for every day of default. The fine so levied shall be recoverable as an arrear of

(originally)?

land revenue."

As the changes made are not material, the Bill need not be republished.

K.C.
19.12

99

D. O. No. P3183-7/Genl

GENERAL AND REVENUE SECRETARIAT, 39

Bangalore, 20th December 1938

218-

Dear Sir,

GENERAL SECRETARY. 21 DEC. 1938

I am desired to forward herewith copy of the report of the Select Committee on the Societies Registration (Amendment) Bill and to request you to kindly return the same with your approval at an early date.

Yours sincerely,

Secretary

M. Venkatesa Iyengar, Esq., M.A.,
General Secretary to Government,
Bangalore.

Reply

Returned signed with compliments M. Venkatesa Iyengar Member Select Committee 21-12-38

W 22/12

We, the Members ofthe Select Committee to which the Societies Registration (Amendment) Bill was referred, have considered the several clauses of the Bill and beg to submit the following Repor

CLAUSE 2.- The proposed addition may be inserted as a separate clause and numbered as 5(b

> The figure "1917" may be changed to "1938" and the following words be inserted after that figure, viz., 'or by a special auditor approved by Government'. This is intended to provide for the audit of the accounts maintained in a language in which there is a paucity of certified auditors.

CLAUSE 3.- The clauses proposed to be inserted may be numbered as 5(c) and 5(d).

We consider that the filing fee fixed in clause 3(c) is too high and we recommend that it may be reduced to annas 8 for each document.

As most of the institutions registered under this Act are Charitable Institutions the fine now fixed for default appears to be too heavy and we propose that this fine may be reduced to 8 annas for each day of default. The Bill does not empower the Registrar to extend the time for submission of returns in suitable cases. The general sense of the Committee is that he should have discretion to extend time in suitable cases on the application of the Societies. To have made provision for this by amending clause (d). In order to bring out clearly the several suggestion made by us, clause (d) may be recast as follows:-

> "(d) If a Society fails to submit the returns as required by clauses (a) and (b) of this Section, the Registrar shall call for the same to be submitted within a specified date not earlier than fifteen days from the date of notice. If such

a society applies for extension of time within the period specified, the Registrar shall have the power to extend the period from time to time not exceeding two months in all from the date specified by the Registrar. If the Society makes default in submitting the returns on or before the date specified by the Registrar, he shall levy a fine of eight annas for every day of default. The fine so levied shall be recoverable as an arrear of land revenue".

As the changes made are not material, the Bill need not be republished.

M. Venkatasalyengar
Member Select Com^e 21-12-38.

42

We, the Members ofthe Select Committee to which the Societies Registration (Amendment) Bill was referred, have considered the several clauses of the Bill and beg to submit the following Report

CLAUSE 2.- The proposed addition may be inserted as a separate clause and numbered as 5(b)

> The figure "1917" may be changed to "1938" and the following words be inserted after that figure, viz., 'or by a special auditor approved by Government'. This is intended to provide for the audit of the accounts maintained in a language in which there is a paucity of certified auditors.

CLAUSE 3.- The clauses proposed to be inserted may be numbered as 5(c) and 5(d).

We consider that the filing fee fixed in clause 3(c) is too high and we recommend that it may be reduced to annas 8 for each document.

As most of the institutions registered under this Act are Charitable Institutions, the fine now fixed for default appears to be too heavy and we propose that this fine may be reduced to 8 annas for each day of default. The Bill does not empower the Registrar to extend the time for submission of returns in suitable cases. The general sense of the Committee is that he should have discretion to extend time in suitable cases on the application of the Societies. We have made provision for this by amending clause (d). In order to bring out clearly the several suggestions made by us, clause (d) may be recast as follows:-

"(d) If a Society fails to submit the returns as required by clauses (a) and (b) of this Section, the Registrar shall call for the same to be submitted within a specified date not earlier than fifteen days from the date of notice. If such

a society applies for extension of time within the period specified, the Registrar shall have the power to extend the period from time to time not exceeding two months in all from the date specified by the Registrar. If the society makes default in submitting the returns on or before the date specified by the Registrar, he shall levy a fine of eight annas for every day of default. The fine so levied shall be recoverable as an arrear of land revenue".

As the changes made are not material, the Bill need not be republished.

4m

OFFICE OF THE SECRETARY
26 DEC. 1938
REPRESENTATIVE ASSEMBLY
AND
LEGISLATIVE COUNCIL.

23/12/38

Yr,

The Secretary,
Legislative Council,
Bangalore.

Dear Sir,

The Report of the Select Committee (undersigned herewith) is approved by me.

Yours sincerely

H C Landsdell Rhodes

We, the Members ofthe Select Committee to which the Societies Registration (Amendment) Bill was referred, have considered the several clauses of the Bill and beg to submit the following Report

CLAUSE 2.- The proposed addition may be inserted as a separate clause and numbered as 5(b)

The figure "1917" may be changed to "1938" and the following words be inserted after that figure, viz., 'or by a special auditor approved by Government'. This is intended to provide for the audit of the accounts maintained in a language in which there is a paucity of certified auditors.

CLAUSE 3.- The clauses proposed to be inserted may be numbered as 5(c) and 5(d).

We consider that the filing fee fixed in clause 3(c) is too high and we recommend that it may be reduced to annas 8 for each document.

As most of the institutions registered under this Act are Charitable Institutions the fine now fixed for default appears to be too heavy and we propose that this fine may be reduced to 3 annas for each day of default. The Bill does not empower the Registrar to extend the time for submission of returns in suitable cases. The general sense of the Committee is that he should have discretion to extend time in suitable cases on the application of the Societies. We have made provision for this by amending clause (d). In order to bring out clearly the several suggestions made by us, clause (d) may be recast as follows:-

"(d) If a Society fails to submit the returns as required by clauses (a) and (b) of this Section, the Registrar shall call for the same to be submitted within a specified date not earlier than fifteen days from the date of notice. If such

a society applies for extension of time within the period specified, the Registrar shall have the power to extend the period from time to time not exceeding two months in all from the date specified by the Registrar. If the Society makes default in submitting the returns on or before the date specified by the Registrar, he shall levy a fine of eight annas for every day of default. The fine so levied shall be recoverable as an arrear of land revenue".

As the changes made are not material, the Bill need not be republished.

D. H. Chandrasekharaiah

D. O. No. P3183-7/Genl II

GENERAL AND REVENUE SECRETARIAT, 4/

Bangalore 30th December 1938

Dear Sir,

I am desired to forward herewith copy of the report of the Select Committee on the Societies Registration (Amendment) Bill and to request you to kindly return the same with your approval at an early date.

Yours sincerely,

Khan Bahadur
Mahomed Abbas Khan, Esq.,
Bangalore.

Dear Sir,

I am returning herewith with thanks, duly approved the draft report of the Select Committee kindly sent to me with the above letter

Yours sincerely

We, the Members ofthe Select Committee to which the Societies Registration (Amendment) Bill was referred, have considered the several clauses of the Bill and beg to submit the following Report

CLAUSE 2.- The proposed addition may be inserted as a separate clause and numbered as 5(b)

> The figure "1917" may be changed to "1938" and the following words be inserted after that figure, viz., 'or by a special auditor approved by Government'. This is intended to provide for the audit of the accounts maintained in a language in which there is a paucity of certified auditors.

CLAUSE 3.- The clauses proposed to be inserted may be numbered as 5(c) and 5(d).

We consider that the filing fee fixed in clause 3(c) is too high and we recommend that it may be reduced to annas 8 for each document.

As most of the institutions registered under this Act are Charitable Institutions the fine now fixed for default appears to be too heavy and we propose that this fine may be reduced to 1 anna for each day of default. The Bill does not empower the Registrar to extend the time for submission of returns in suitable cases. The general sense of the Committee is that he should have discretion to extend time in suitable cases on the application of the Societies. We have made provision for this by amending clause (d). In order to bring out clearly the several suggestions made by us, clause (d) may be recast as follows:-

"(d) If a Society fails to submit the returns as required by clauses (a) and (b) of this Section, the Registrar shall call for the same to be submitted within a specified date not earlier than fifteen days from the date of notice. If such

a society applies for extension of time within the period specified, the Registrar shall have the power to extend the period from time to time not exceeding two months in all from the date specified by the Registrar. If the Society makes default in submitting the returns on or before the date specified by the Registrar, he shall levy a fine of eight annas for every day of default. The fine so levied shall be recoverable as an arrear of land revenue".

As the changes made are not material, the Bill need not be republished.

Mohammed Abba Akhund

We, the Members ofthe Select Committee to which the Societies Registration (Amendment) Bill was referred, have considered the several clauses of the Bill and beg to submit the following Report

CLAUSE 2.- The proposed addition may be inserted as a separate clause and numbered as 5(b)

> The figure "1917" may be changed to "1938" and the following words be inserted after that figure, viz., 'or by a special auditor approved by Government'. This is intended to provide for the audit of the accounts maintained in a language in which there is a paucity of certified auditors.

wd/22/1

CLAUSE 3.- The clauses proposed to be inserted may be numbered as 5(c) and 5(d).

We consider that the filing fee fixed in clause 3(c) is too high and we recommend that it may be reduced to annas 8 for each document.

As most of the institutions registered under this Act are Charitable Institutions the fine now fixed for default appears to be too heavy and we propose that this fine may be reduced to 8 annas for each day of default. The Bill does not empower the Registrar to extend the time for submission of returns in suitable cases. The general sense of the Committee is that he should have discretion to extend time in suitable cases on the application of the Societies. We have made provision for this by amending clause (d). In order to bring out clearly the several suggestions made by the clause (d) may be recast as follows:-

"(d) If a Society fails to submit the returns as required by clauses (a) and (b) of this Section, the Registrar shall call for the same to be submitted within a specified date not earlier than fifteen days from the date of notice. If such

① Is it not better to say "shall issue a notice calling for" - in view of the phrase "from the date of notice" lower down? Yes

a society applies for extension of time within the period specified, the Registrar shall have the power to extend the period from time to time not exceeding two months in all from the date specified by the Registrar. If the Society makes default in submitting the returns on or before the date specified by the Registrar, he shall levy a fine of eight annas for every day of default. The fine so levied shall be recoverable as an arrear of land revenue".

As the changes made are not material, the Bill need not be republished.

(2) Is not "before the date specified" better? See also what is specified is a particular date and not a period? Yes

OFFICE
DEC 1938
6052

As the two changes I have suggested in the margin are merely verbal and not material ones I request they may be disposed of by the esteemed Chairman. My signing of the report is without reference to the suggestion of the changes.

D. V. Gundappa

D. V. Gundappa
21. 12. 1938.

Submitted for perusal.
There does not appear to be any need for mentioning the above verbal changes. The report has been accepted by the other members.

2nd Member

Changes may be accepted

30/12

30/12

Statement of Objects and Reasons.

The Mysore Societies Registration Act, III of 1904, was framed on the model of the British Indian Societies Act XXI of 1860, which (with the exception of two minor amendments, Act XXII of 1927 and Act II of 1912) has not been amended.

According to section 5 of the Act, a Society is required to send a list of Members of the Governing Body and there is no penal provision in the said Act to enforce its submission. Several Societies have been registered and there is no record whether they are working or not. There have been several complaints of mismanagement of Societies, and in the absence of any provision for the submission of "Receipt and Expenditure" accounts by these Societies, there is no check on their working.

There have been several representations in the Representative Assembly and Legislative Council, for measures to check effectively the management of these Societies.

Though in the year 1935, rules for the removal of the names of defunct Societies, and for the destruction of their records, etc., based on the rules in force in Madras, were introduced here also, yet these provisions have not improved the working of these Societies much.

In the last June Session of the Legislative Council it was urged, that rules, for the effective supervision of the Societies by demanding the annual audited Balance Sheets and Statements of Accounts and Reports, might be framed, and that on default by the Societies, registration might be cancelled. As most of the Societies receive Government grants it is necessary to have a check over their working.

With a view to secure effective control over the Societies, it is proposed to insist on the submission of a balance sheet and accounts audited by a person who has been granted a certificate by Government under section 144 of the Mysore Companies Act, 1917. The levy of a filing fee of rupee one, for each of the lists of members and the balance sheet is also provided for.

The Registrar is empowered to call for the above documents in case of default on the part of the Societies, and to levy, in his discretion, a fine of Rs. 2 per day of delay. To facilitate the recovery of fines, provision has been made for their recovery as arrears of Land Revenue.

Provision is also made empowering the Government to frame rules for carrying out the purposes of the Act.

Printed by the Superintendent at the Government Press, Bangalore.

53

NOTIFICATION.

No. 3811—*L. C., dated Bangalore, 26th May* 1938.

Under Rule 8 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill to amend the Societies Registration Act, 1904, is published for general information with the statement of objects and reasons.

By Order,
A. SUNDARARAJA RAO
Secretary,
Mysore Legislative Council.

Bill to amend the Societies Registration Act, 1904.

Whereas it is expedient to amend the Societies Registration Act, 1904; It is hereby enacted as follows:—

1. This Act may be called the Societies Registration (Amendment) Act, 193 .

2. Section 5 of the Societies Registration Act, 1904 (hereinafter referred to as the said Act), shall be numbered as clause (a) thereof and to that clause the following words shall be added at the end, namely,

"and A copy of the Balance Sheet together with a statement of receipts and expenditure audited by a person who has been granted a certificate by Government under section 144 of the Mysore Companies Act, 1913, shall also be filed with the Registrar of Joint Stock Companies at the same time."

3. After clause (a) of section 5 of the said Act, the following clauses shall be inserted, namely,—

"(b) A filing fee of one rupee each shall be paid along with the list and the Balance Sheet referred to in clause (a). The said fee may be paid either by affixing Mysore Court Fee Stamps, or by crediting the amount to any Government Treasury and by attaching the duplicate chellan to the documents."

"(c) if a Society fails to submit the returns as required by this section the Registrar shall call for the same to be submitted within a specified date and if the Society still makes default in submitting the returns, the Registrar may levy a fine of Rs. for every day during which the default continues. The fine so levied shall be recoverable as an arrear of land revenue

4. After section 21 of the said Act, the following new section shall be added, namely,—

"22. The Government may make such rules as it thinks expedient for the carrying out of the purposes of this Act."

Clause 2.

Omit "And" at the commencement and substitute "Along with the list".

In the same clause substitute 38 for 17.

Clause 3. (b) omit "along" in line 2 substitute "shall" for 'may' in line 3.

Clause 3 (c).

Add after "date" in line 5 the following:-

"If such a society applies for extension of time within the period specified, the Registrar shall have the power to extend the period from time to time not exceeding 2 months in all from the date ~~fixed for~~ the ~~submission of returns~~ specified by the Registrar. If the Society makes default in submitting the returns on or before the ~~specified~~ date ~~as fixed above~~ the Registrar may levy a fine not exceeding Rs.20/- for every day of default. The fine so levied shall be recoverable as an arrear of land revenue."

Bill 15 Jan 95

5

Bill to amend the Societies Registration Act, 1904.

As amended by the Select Committee.

(*Omissions are enclosed in square brackets and additions are indicated in italics.*)

Whereas it is expedient to amend the Societies Registration Act, 1904; it is hereby enacted as follows:—

1. This Act may be called the Societies Registration (Amendment) Act, 193

2. Section 5 of the Societies Registration Act, 1904 (hereinafter referred to as the said Act), shall be numbered as clause (a) thereof and [to that clause the following words shall be added at the end, namely] *the following clause shall be added as clause* (*b*),

> " [and] (*b*) A copy of the Balance Sheet together with a statement of receipts and expenditure audited by a person who has been granted a certificate by Government under section 144 of the Mysore Companies Act, [1917] *1938, or by a special auditor approved by Government,* shall also be filed with the Registrar of Joint-Stock Companies at the same time."

3. After clause [a] (*b*) of section 5 of the said Act, the following clauses shall be inserted, [namely] *as clauses* (*c*) *and* (*d*)—

> " [b] (*c*) A filing fee of [one rupee] *eight annas* each shall be paid along with the list and the Balance Sheet referred to in clauses (*a*) *and* (*b*). The said fee may be paid either by affixing Mysore Court Fee Stamps or by crediting the amount to any Government Treasury and by attaching the duplicate chellan to the documents."
>
> "[c] (*d*) If a society fails to submit the returns as required by *clauses* (*a*) *and* (*b*) *of* this section, the Registrar shall *issue a notice calling* [call] for the same to be submitted within a specified

date *not earlier than fifteen days from the date of notice. If such a society applies for extension of time before the date specified, the Registrar shall have the power to extend the period from time to time not exceeding two months in all from the date specified by the Registrar.* [and] If the society [still] makes default in submitting the returns *on or before the date specified by the* Registrar, *he shall* [may] levy a fine of [Rs. 2] *eight annas* for every day [during which the] *of* default [continues]. The fine so levied shall be recoverable as an arrear of land revenue.'

4. After section 21 of the said Act, the following new section shall be added, namely,—

"22. The Government may make such rules as it thinks expedient for the carrying out of the purposes of this Act."

THE MYSORE REPRESENTATIVE ASSEMBLY.

BUDGET SESSION—JUNE 1938.

—:o:—

STATEMENT OF GOVERNMENT BUSINESS TO BE PLACED BEFORE THE REPRESENTATIVE ASSEMBLY.

I.—Statement of General Principles of the Bill to amend the Societies Registration Act.

The Mysore Societies Registration Act, III of 1904, was framed on the model of the British Indian Societies Registration Act, XXI of 1860, which (with the exception of two minor amendments, Act XXII of 1927 and Act II of 1912) has not been amended.

According to Section 5 of the Act, a society is required to send a list of members of the Governing Body and there is no penal provision in the said Act to enforce its submission. Several societies have been registered and there is no record whether they are working or not. There have been several complaints of mismanagement of societies, and in the absence of any provision for the submission of "Receipt and Expenditure" accounts by these Societies, there is no check on their working.

There have been several representations in the Representative Assembly and in the Legislative Council for measures to check effectively the management of these Societies.

Though in the year 1935, rules for the removal of the names of defunct Societies, and for the destruction of their records, etc., based on the rules in force in Madras, were introduced here also, yet these provisions have not improved the working of these Societies much.

In the last Budget Session of the Legislative Council, it was urged that rules for the effective supervision of the societies by demanding the annual audited Balance Sheets and Statements of Accounts and reports might be framed, and that on default by the Societies, registration might be cancelled. As most of the Societies receive Government grants, it is necessary to have a check over their working.

The principal changes proposed are the following.—With a view to secure effective control over the societies, it is proposed to insist on the submission of a Balance Sheet and accounts audited by a person who has been granted a certificate by Government under Section 144 of the Mysore Companies Act, 1917. The levy of a filing fee of Rupee one for each of the lists of members and the Balance Sheet is also provided for.

The Registrar is empowered to call for the above documents in case of default on the part of the Societies, and to levy in his discretion, a fine of Rs. 2 per day of delay. To facilitate the recovery of fines, provision has been made for their recovery as arrears of Land Revenue.

Provision is also made empowering the Government to frame rules for carrying out the purposes of the Act.

II.—Statement of the General Principles of a Bill to provide for the transfer *inter vivos* under certain conditions of the Mysore Government "Savings Certificates" and for the payment of the Certificates standing in the name of deceased persons.

With a view to afford further facilities for investment of savings, Government have sanctioned the issue of "Savings Certificates" as an adjunct to Government Savings Banks.

It is proposed to permit the transfer of Savings Certificates only with the permission of the officer in charge of the Treasury where these are registered for the time being. This restriction will not be operative in the absence of Special Legislation.

It is also necessary to provide by Legislation for the payment of Certificates standing in the name of deceased persons in the same way as Government Savings Banks Deposits forming part of the estate of such persons to the heirs of the deceased or to the nominees, if any.

It is accordingly proposed to introduce a bill on the lines of the Government of India Act, XVIII of 1917.

Opportunity has at the same time been taken to provide by legislation for the payment of certificates standing in the names of joint holders when some or all the joint holders are dead, in the manner provided in Section 4 of the Securities Act

III.—Statement of the General Principles of the Mysore Newspaper Bill.

The repeal of the Newspaper Act, 1908, has been several times urged in the Representative Assembly and in the Legislative Council. A request was made in the Representative Assembly at its last Dasara Session that the present Act may be repealed and if necessary, one more or less on the lines of the British Indian Act placed on the Statute Book. Government expressed willingness to replace the present Act by an Act on nearly the same lines as the law in force in British India and this Bill has been accordingly prepared. The main principles of the Bill are as follows :

1. The permission of Government must be obtained before the publication of a newspaper as heretofore.

2. The Magistrate before whom declaration is made may demand security either from the keeper of the press or from the publisher of the newspaper under certain circumstances.

3. The Government may, if it appears to them, that the press is used for printing or publishing objectionable matter, such as, incitement to the commission of an offence, seduction of military, sedition, etc., declare the security forfeited or, where no security is deposited, declare the press to be forfeited and the declaration made under the Press and Registration of Books Act, shall be annulled.

4. Where the security has been forfeited any person making a fresh declaration in respect of such press or newspaper shall deposit a security of a larger amount.

5. If the press or the newspaper is again used for printing or publishing objectionable matter, the Government may forfeit the further security and the fresh declaration shall be anulled. No further declaration in respect of such newspaper shall be made save with the permission of the Government.

6. Failure to deposit security which is ordered is subject to the same penalty as the one to which the person would be liable for failure to make a declaration under the Press and Registration of Books Act.

7. Where a press or copies of a newspaper are declared forfeited, a Magistrate may authorize the Police to search for and seize them.

8. Unauthorised news sheets or newspapers may be seized or destroyed.

9. Selling, publishing or keeping for sale or publication of any unauthorized news sheet or newspaper is made punishable.

10. Any newspaper, book or document which appears to Government to contain objectionable matter may be declared to be forfeited.

11. Provision is made for application to the High Court against the order of Government demanding security either from the keeper of the press, or from the publisher of a newspaper, or from an order of Government forfeiting the press or security deposited by such persons.

The bill closely follows the Criminal Law Amendment Act of 1935. The penalty of deportation fixed in certain cases under the existing Act is removed and imprisonment is substituted for certain offences.

ಮೈಸೂರು ಪ್ರಜಾಪ್ರತಿನಿಧಿ ಸಭೆ.

ಬಡ್ಜೆಟ್ ಅಧಿವೇಶನ—ಜೂರ್ 1938.

ಮೈಸೂರು ಪ್ರಜಾಪ್ರತಿನಿಧಿ ಸಭೆಯ ಸದಸ್ಯರ ಅಭಿಪ್ರಾಯಕ್ಕಾಗಿ ಒಪ್ಪಿಸಬೇಕಾದ ಸರ್ಕಾರಿ ಕಾರ್ಯಕಲಾಪಗಳ ವಿವರ.

I. ಸಂಘಗಳ ರಿಜಿಸ್ಟ್ರೇಷನಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಆಕ್ಟನ್ನು ತಿದ್ದುಪಾಟು ಮಾಡುವುದಕ್ಕಾಗಿ ರಚಿಸಿರುವ ಮಸೂದಾ ಕಾನೂನಿನ ಸಾಮಾನ್ಯ ನಿಯಮಗಳ ವಿವರಣೆ.

1904ನೆಯ ಇಸವಿಯ IIIನೆಯ ನಂಬರಿನ ಆಕ್ಟಾದ ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಸಂಘಗಳ ರಿಜಿಸ್ಟ್ರೇಷನಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಆಕ್ಟು ಈಗ ಜಾರಿಯಲ್ಲಿದೆಯಷ್ಟೆ. ಅದನ್ನು 1860ನೆಯ ಇಸವಿಯ XXIನೆಯ ನಂಬರಿನ ಆಕ್ಟಾದ ಬ್ರಿಟಿಷ್ ಇಂಡಿಯಾ ಸಂಘಗಳ ರಿಜಿಸ್ಟ್ರೇಷನ್ ಆಕ್ಟಿನ ಮಾದರಿಯ ಮೇಲೆ ರಚಿಸಲಾಗಿದೆ. ಬ್ರಿಟಿಷ್ ಇಂಡಿಯಾ ಆಕ್ಟಿನಲ್ಲಿ 1927ನೆಯ ಇಸವಿಯ XXIIನೆಯ ನಂಬರಿನ ಆಕ್ಟಿನಿಂದ ಒಂದು ಸಲ ಮತ್ತು 1912ನೆಯ ಇಸವಿಯ IIನೆಯ ನಂಬರಿನ ಆಕ್ಟಿನಿಂದ ಒಂದು ಸಲ—ಹೀಗೆ ಎರಡು ಸಲ ಮಾತ್ರ ಸಣ್ಣಪುಟ್ಟ ತಿದ್ದುಪಾಟುಗಳು ಆಗಿವೆ. ಇವುಗಳ ಹೊರತು ಇತರ ಯಾವ ತಿದ್ದುಪಾಟುಗಳೂ ಆ ಆಕ್ಟಿನಲ್ಲಿ ಆಗಿಲ್ಲ.

ಮೈಸೂರು ಸಂಸ್ಥಾನದಲ್ಲಿ ಏರ್ಪಟ್ಟಿರುವ ಸಂಘಗಳ ರಿಜಿಸ್ಟ್ರೇಷನಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಆಕ್ಟಿನ 5ನೆಯ ಪ್ರಕರಣದ ಮೇರೆಗೆ, ಪ್ರತಿಯೊಂದು ಸಂಘದವರೂ, ಆಯಾ ಸಂಘದ ಕಾರ್ಯನಿರ್ವಾಹಕ ಮಂಡಲಿಯ ಸದಸ್ಯರುಗಳ ಹೆಸರುಗಳನ್ನೊಳಗೊಂಡಿರುವ ಪಟ್ಟಿಯನ್ನು ಕಳುಹಿಸಬೇಕೆಂದು ವಿಧಾಯಕವಾಗಿದೆ. ಆದರೆ ಯಾವ ಸಂಘದವರಾದರೂ ಹಾಗೆ ಕಳುಹಿಸದೆ ತಪ್ಪಿದಲ್ಲಿ ಅವರನ್ನು ದಂಡನೆಗೆ ಗುರಿಪಡಿಸುವಂತೆ ಅವಕಾಶ ಕೊಡುವಹಾಗೆ ಈಗ ಆಕ್ಟಿನಲ್ಲಿ ಯಾವ ನಿಯಮವೂ ಏರ್ಪಟ್ಟಿಲ್ಲ. ಈಗ ಅನೇಕ ಸಂಘಗಳು ರಿಜಿಸ್ಟರಾಗಿವೆ. ಆದರೆ ಅವುಗಳು ಕೆಲಸಮಾಡುತ್ತಿವೆಯೇ ಅಥವಾ ಇಲ್ಲವೇ ಎಂಬುದನ್ನು ತಿಳಿಸುವುದಕ್ಕೆ ಯಾವ ದಾಖಲೆಯೂ ಇಲ್ಲ. ಹಲವು ಸಂಘಗಳ ಆಡಳಿತಗಳು ಸರಿಯಾಗಿ ನಡೆಯುತ್ತಿಲ್ಲವೆಂದು ಜನರು ಆಕ್ಷೇಪಿಸುತ್ತಿದ್ದಾರೆ. ಸಂಘಗಳ ಆಯವ್ಯಯಗಳ ಲೆಕ್ಕಗಳನ್ನು ಸಂಘಗಳು ಒಪ್ಪಿಸಲೇಬೇಕೆಂದು ನಿರ್ಬಂಧಿಸುವಂಥ ಯಾವ ನಿಯಮವೂ ಆಕ್ಟಿನಲ್ಲಿ ಇಲ್ಲ. ಆದುದರಿಂದ ಸಂಘಗಳ ಆಡಳಿತವು ಸರಿಯಾಗಿ ನಡೆಯುತ್ತಿದೆಯೇ ಎಂಬುದನ್ನು ಅಜಮಾಯಿಷಿಮಾಡಿ ನೋಡುವುದಕ್ಕೇ ಈಗ ಆಸ್ಪದವಿಲ್ಲದಂತಾಗಿದೆ.

ಈ ಸಂಘಗಳ ಆಡಳಿತವನ್ನು ಆ ರೀತಿ ಅಜಮಾಯಿಷಿಮಾಡಿ ನೋಡುವುದಕ್ಕೆ ಕಾರ್ಯಕಾರಿಯಾದ ಏರ್ಪಾಡುಗಳನ್ನು ಮಾಡಬೇಕೆಂದು ಕೋರಿ, ಪ್ರಜಾಪ್ರತಿನಿಧಿ ಸಭೆಯಲ್ಲಿಯೂ ಮತ್ತು ನ್ಯಾಯವಿಧಾಯಕ ಸಭೆಯಲ್ಲಿಯೂ ಆ ಸಭೆಗಳ ಸದಸ್ಯರು ಹಲವುವೇಳೆ ಅರಿಕೆಗಳನ್ನು ಮಾಡಿದ್ದಾರೆ.

ಕೆಲಸ ನಡೆಯುವುದು ನಿಂತುಹೋಗಿರುವ ಸಂಘಗಳ ಹೆಸರುಗಳನ್ನು ರಿಜಿಸ್ಟರಿನಿಂದ ತೆಗೆದುಹಾಕುವುದಕ್ಕಾಗಿಯೂ ಮತ್ತು ಅವುಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಕಾಗದ ಪತ್ರಗಳೇ ಮುಂತಾದುವುಗಳನ್ನು ನಾಶಪಡಿಸುವುದಕ್ಕಾಗಿಯೂ ಮದ್ರಾಸ್ ಆಧಿಪತ್ಯದಲ್ಲಿ ಜಾರಿಯಲ್ಲಿರುವ ನಿಬಂಧನೆಗಳ ಆಧಾರದ ಮೇಲೆ ಮೈಸೂರು ಸಂಸ್ಥಾನದಲ್ಲಿಯೂ ಸಹ 1935ನೆಯ ಇಸವಿಯಲ್ಲಿ, ನಿಬಂಧನೆಗಳನ್ನೇನೋ ಜಾರಿಗೆ ತರಲಾಯಿತು. ಆದಾಗ್ಯೂ, ಈ ನಿಬಂಧನೆಗಳಿಂದ ಸಂಘಗಳ ಕೆಲಸಗಳು ಮೊದಲಿದ್ದುದಕ್ಕಿಂತ ಉತ್ತಮ ರೀತಿಯಲ್ಲಿ ನಡೆಯುವಂತೆ ಅಷ್ಟೇನೂ ಹೆಚ್ಚಾಗಿ ಪರಿಣಾಮವುಂಟಾಗಿಲ್ಲ.

ಸಂಘಗಳ ಕಾರ್ಯಾಡಳಿತದ ವಿಷಯದಲ್ಲಿ ಪರಿಣಾಮಕರವಾದ ರೀತಿಯಲ್ಲಿ ಮೇಲ್ವಿಚಾರಣೆಯನ್ನು ನಡೆಯಿಸುವಂತೆ ಮಾಡುವುದಕ್ಕಾಗಿ ನಿಬಂಧನೆಗಳನ್ನು ಏರ್ಪಡಿಸಬೇಕೆಂದು, ಕಳೆದ ಜೂರ್ ತಿಂಗಳಿನಲ್ಲಿ ನಡೆದ ನ್ಯಾಯವಿಧಾಯಕ ಸಭೆಯ ಬಡ್ಜೆಟ್ ಅಧಿವೇಶನದಲ್ಲಿ ಆ ಸಭೆಯ ಸದಸ್ಯರುಗಳು ಒತ್ತಾಯ ಪಡಿಸಿದರು. ಆಡಿಟರಿಂದ ಪರಿಶೋಧನೆ ಮಾಡಲ್ಪಟ್ಟ ವೆಜಾವಟ್ಟಗಳ ವಾರ್ಷಿಕ ತಖ್ತೆಗಳನ್ನೂ (ಎಂದರೆ, ಬ್ಯಾಲೆನ್ಸ್ ಷೀಟುಗಳನ್ನೂ) ಲೆಕ್ಕದ ವಿವರಗಳನ್ನೂ ಮತ್ತು ಸಂಘಗಳ ಕಾರ್ಯಾಡಳಿತದ ವರದಿಗಳನ್ನೂ ಸಂಘಗಳವರು ಒಪ್ಪಿಸಬೇಕೆಂದೂ, ಯಾವುದಾದರೂ ಸಂಘದವರು ಹಾಗೆ ಒಪ್ಪಿಸದೆ ತಪ್ಪುವ ಪಕ್ಷದಲ್ಲಿ, ಆ ಸಂಘವನ್ನು ರಿಜಿಸ್ಟರ್ಮಾಡಿರುವುದನ್ನು ರದ್ದು ಮಾಡತಕ್ಕುದೆಂದೂ ವಿಧಾಯಕಮಾಡುವುದರ ಮೂಲಕ ಆ ಸಂಘಗಳ ಕೆಲಸಗಳ ವಿಷಯದಲ್ಲಿ ಸರಿಯಾದ ಮೇಲ್ವಿಚಾರಣೆ ನಡೆಯುವಂತೆ ಮಾಡಬೇಕೆಂಬುದೇ ನ್ಯಾಯವಿಧಾಯಕ ಸಭೆಯ ಸದಸ್ಯರುಗಳು ಒತ್ತಾಯವಾಗಿ ತಿಳಿಸಿ ಆಗ್ಗೆ ಒಪ್ಪಿಸಿದ ಸೂಚನೆ. ಅನೇಕ ಸಂಘಗಳಿಗೆ ಸರ್ಕಾರದಿಂದ ಗ್ರಾಂಟುಗಳು ದೊರೆಯುತ್ತಿವೆ. ಆದಕಾರಣ ಆ ಸಂಘಗಳ ಆಡಳಿತಗಳು ಸರಿಯಾಗಿ ನಡೆಯುತ್ತಿವೆಯೇ ಎಂಬ ವಿಷಯದಲ್ಲಿ, ಸರ್ಕಾರದ ಅಜಮಾಯಿಷಿಗೆ ಅವಕಾಶವಿರಬೇಕಾದುದು ಆವಶ್ಯಕ.

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ಈಗ ಆಕ್ಟಿನಲ್ಲಿ ಮಾಡಬೇಕೆಂದಿರುವ ಮುಖ್ಯ ಬದಲಾವಣೆಗಳು ಯಾವುವೆಂದರೆ :—1917ನೆಯ ಇಸವಿಯ ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಕಂಪೆನಿಗಳ ಆಕ್ಟಿನ 144ನೆಯ ಪ್ರಕರಣದ ಮೇರೆಗೆ ಸರ್ಕಾರದವರಿಂದ ಸರ್ಟಿಫಿಕೇಟನ್ನು ಪಡೆದಿರುವ ಒಬ್ಬ ಮನುಷ್ಯನಿಂದ (ಆಡಿಟರಿಂದ) ಪರಿಶೋಧನೆ ಮಾಡಲ್ಪಟ್ಟ ವಜಾ ವಟ್ಟಗಳ ತಖ್ತೆಯನ್ನೂ (ಎಂದರೆ ಬ್ಯಾಲೆನ್ಸ್ ಷೀಟನ್ನೂ), ಮತ್ತು ಲೆಕ್ಕಗಳನ್ನೂ, ಪ್ರತಿಯೊಂದು ಸಂಘದವರೂ ಪ್ರತಿ ವರ್ಷವೂ ಸರ್ಕಾರದವರಿಗೆ ಒಪ್ಪಿಸಬೇಕೆಂದು ನಿರ್ಬಂಧಗೊಳಿಸುವಂತೆ ನಿಯಮವನ್ನೇರ್ಪಡಿಸಲಾಗಿದೆ. ಇದೊಂದು ಬದಲಾವಣೆ. ಸಂಘಗಳ ಮೇಲೆ ಪರಿಣಾಮದಾಯಕವಾದ ರೀತಿಯಲ್ಲಿ ಹತೋಟಿಯನ್ನು ನಡೆಯಿಸುವಂತೆ ಮಾಡುವುದೇ ಈ ನಿಯಮವನ್ನೇರ್ಪಡಿಸಿರುವುದರ ಉದ್ದೇಶ. ಮತ್ತೊಂದು ಬದಲಾವಣೆಯೇನೆಂದರೆ : ಸದಸ್ಯರುಗಳ ಹೆಸರುಗಳನ್ನೊಳಗೊಂಡಿರುವ ಪ್ರತಿಯೊಂದು ಪಟ್ಟಿಯನ್ನೂ ಮತ್ತು ವಜಾವಟ್ಟಗಳ ತಖ್ತೆಯನ್ನೂ ದಾಖಲ್ಮಾಡಿಸುವಾಗ ಅದಕ್ಕಾಗಿ ಒಂದು ರೂಪಾಯಿ ಫೀಜನ್ನು ಸರ್ಕಾರಕ್ಕೆ ವಸೂಲ್ಮಾಡುವಂತೆ ಅವಕಾಶವನ್ನು ಕಲ್ಪಿಸಿರುವುದು.

ಮೇಲೆ ಹೇಳಿರತಕ್ಕ ತಖ್ತೆ ಮುಂತಾದವನ್ನು ಕಳುಹಿಸಿಕೊಡದೆ ತಪ್ಪಿದ ಸಂಘಗಳವರನ್ನು, ಅವುಗಳನ್ನು ಕಳುಹಿಸಿಕೊಡುವಂತೆ ಕೇಳುವುದಕ್ಕೆ ರಿಜಿಸ್ಟ್ರಾರರವರಿಗೆ ಅಧಿಕಾರವಿರುವ ಹಾಗೆ ನಿಯಮವನ್ನೇರ್ಪಡಿಸಲಾಗಿದೆ; ಯಾವುದಾದರೂ ಸಂಘದವರು ಅವುಗಳನ್ನು ರಿಜಿಸ್ಟ್ರಾರರವರು ಕೇಳಿದ ಕಾಲದೊಳಗಾಗಿ ಕಳುಹಿಸದೆ ತಪ್ಪುವ ಪಕ್ಷದಲ್ಲಿ, ಹಾಗೆ ಕಳುಹಿಸದೆ ತಡಮಾಡಿದ ಪ್ರತಿಯೊಂದು ದಿವಸಕ್ಕೂ 2 ರೂಪಾಯಿಗಳಂತೆ ತಮ್ಮ ವಿವೇಚನಾನುಸಾರ ಜುಲ್ಮಾನೆಯನ್ನು ವಿಧಿಸುವುದಕ್ಕೆ ರಿಜಿಸ್ಟ್ರಾರರವರಿಗೆ ಅಧಿಕಾರವಿರುವಂತೆಯೂ ನಿಯಮವನ್ನೇರ್ಪಡಿಸಲಾಗಿದೆ. ಜುಲ್ಮಾನೆಗಳನ್ನು ವಸೂಲ್ಮಾಡುವ ವಿಷಯದಲ್ಲಿ ತಕ್ಕ ಸೌಕರ್ಯವನ್ನುಂಟುಮಾಡಿಕೊಡುವುದಕ್ಕಾಗಿ ಅವುಗಳನ್ನು ಜಮೀನು ಕಂದಾಯದ ಬಾಕಿಗಳನ್ನು ವಸೂಲ್ಮಾಡುವ ರೀತಿಯಲ್ಲಿ ವಸೂಲ್ಮಾಡುವಂತೆ, ನಿಯಮವನ್ನು ರಚಿಸಲಾಗಿದೆ.

ಈ ಆಕ್ಟಿನ ಉದ್ದೇಶಗಳನ್ನು ನೆರವೇರಿಸುವುದಕ್ಕಾಗಿ ಆವಶ್ಯಕವಾಗುವ ನಿಬಂಧನೆಗಳನ್ನು, ರಚಿಸುವ ಅಧಿಕಾರವನ್ನು ಸರ್ಕಾರದವರಿಗೆ ಕೊಡುವ ನಿಯಮವನ್ನೂ ಸಹ, ಮಸೂದಾ ಕಾನೂನಿನಲ್ಲಿ ಏರ್ಪಡಿಸಲಾಗಿದೆ.

II. ಮೈಸೂರು ಸರ್ಕಾರದ "ಸೇವಿಂಗ್ಸ್ ಸರ್ಟಿಫಿಕೇಟುಗಳನ್ನು" ಕೆಲವು ಷರತ್ತುಗಳಿಗೊಳಪಟ್ಟು ಜನಗಳು ಒಬ್ಬರಿಂದೊಬ್ಬರಿಗೆ ವರ್ಗಾಯಿಸುವುದಕ್ಕಾಗಿಯೂ ಮತ್ತು ಆ ಸರ್ಟಿಫಿಕೇಟುಗಳನ್ನು ಪಡೆದಿದ್ದವರು ಮೃತಪಟ್ಟರೆ ಅವರ ಹೆಸರಿನಲ್ಲಿದ್ದ ಸರ್ಟಿಫಿಕೇಟುಗಳ ಮೊತ್ತಗಳನ್ನು ಪಾವತಿಮಾಡುವುದಕ್ಕಾಗಿಯೂ ನಿಬಂಧನೆಗಳನ್ನು ವಿಧಾಯಕ ಮಾಡಲು ಏರ್ಪಟ್ಟ ಮಸೂದಾ ಕಾನೂನಿನ ಸಾಮಾನ್ಯ ನಿಯಮಗಳ ವಿವರಣೆ.

ಜನಗಳು ತಾವು ಉಳಿಸಿದ ಹಣಗಳನ್ನು ಲಾಭದಾಯಕವಾದ ರೀತಿಯಲ್ಲಿ ವಿನಿಯೋಗಿಸುವುದಕ್ಕಾಗಿ ಮತ್ತಷ್ಟು ಸೌಕರ್ಯಗಳನ್ನು ಕಲ್ಪಿಸುವ ದೃಷ್ಟಿಯಿಂದ ಸರ್ಕಾರದವರು, ಸರ್ಕಾರಿ ಸೇವಿಂಗ್ಸ್ ಬ್ಯಾಂಕುಗಳು ಕ್ಲುಪ್ತವಾದ ಮೇರೆಗೆ ಹಣಗಳನ್ನು ತೆಗೆದುಕೊಂಡು "ಸೇವಿಂಗ್ ಸರ್ಟಿಫಿಕೇಟುಗಳನ್ನು" ಸಾದರುಮಾಡುವ ಒಂದು ಏರ್ಪಾಡನು ಮಂಜೂರು ಮಾಡಿರುತ್ತಾರೆ.

ಸೇವಿಂಗ್ಸ್ ಸರ್ಟಿಫಿಕೇಟುಗಳನ್ನು ಪಡೆದಿರತಕ್ಕವರು ಅವುಗಳನ್ನು ಇತರರಿಗೆ ವರ್ಗಾಯಿಸಲಿಚ್ಛಿಸಿದರೆ, ಆ ಸೇವಿಂಗ್ಸ್ ಸರ್ಟಿಫಿಕೇಟುಗಳು ಆಯಾ ಕಾಲದಲ್ಲಿ ಯಾವ ಖಜಾನೆಯಲ್ಲಿ ರಿಜಿಸ್ಟರಾಗಿರುತ್ತವೆಯೋ ಆ ಖಜಾನೆಯ ಚಾರ್ಜಿನಲ್ಲಿರುವ ಆಫೀಸರವರ ಅನುಮತಿಯಿಂದ ಮಾತ್ರವೇ ಆ ಸೇವಿಂಗ್ಸ್ ಸರ್ಟಿಫಿಕೇಟುಗಳನ್ನು ವರ್ಗಾಯಿಸುವುದಕ್ಕೆ ಅನುಮತಿಯನ್ನು ಕೊಡಬೇಕೆಂದು ಉದ್ದೇಶಿಸಲಾಗಿದೆ. ವಿಶೇಷ ರೀತಿಯ ಕಾನೂನು ವಿಧಾಯಕವಾಗಿಲ್ಲದಿದ್ದ ಪಕ್ಷಕ್ಕೆ ಈ ನಿರ್ಬಂಧವನ್ನು ಜಾರಿಗೆ ತರುವುದಕ್ಕೆ ಅವಕಾಶವಿರುವುದಿಲ್ಲ.

ಸೇವಿಂಗ್ಸ್ ಸರ್ಟಿಫಿಕೇಟುಗಳನ್ನು ಪಡೆದಿದ್ದವರು ಮೃತಪಟ್ಟರೆ, ಅವರ ಹೆಸರಿನಲ್ಲಿರುವ ಆ ಸರ್ಟಿಫಿಕೇಟುಗಳ ಮೊಬಲಗುಗಳನ್ನೂ ಸಹ; ಸೇವಿಂಗ್ಸ್ ಬ್ಯಾಂಕಿನಲ್ಲಿ ಹಣವನ್ನು ಠೇವಣಿಮಾಡಿದ್ದು ಮೃತಪಟ್ಟವರ ಆಸ್ತಿಯ ಒಂದು ಭಾಗವಾದ ಆ ಠೇವಣಿಗಳನ್ನು ಅವರ ವಾರಸುದಾರರಿಗೆ ಅಥವಾ ಅವರು ಯಾರಿಗೆ ಹಣ ಪಾವತಿಯಾಗಬೇಕೆಂದು ಸೂಚಿಸಿರುತ್ತಾರೋ ಅಂಥ "ನಾಮಿನಿ" ಗಳೇನಾದರೂ ಇದ್ದರೆ ಅವರಿಗೆ ಪಾವತಿಮಾಡುವ ರೀತಿಯಲ್ಲಿಯೇ ಪಾವತಿಮಾಡುವುದಕ್ಕಾಗಿ ಕಾನೂನು ನಿಬಂಧನೆಗಳನ್ನು ವಿಧಾಯಕ ಮಾಡುವುದೂ ಅತ್ಯಾವಶ್ಯಕವಾಗಿದೆ.

ಆದಕಾರಣ, 1917ನೆಯ ಇಸವಿಯ ಇಂಡಿಯಾ ಸರ್ಕಾರದ XVIIIನೆಯ ನಂಬರಿನ ಆಕ್ಟಿನ ಮಾದರಿಯನ್ನನುಸರಿಸಿ ಒಂದು ಮಸೂದಾ ಕಾನೂನನ್ನು ನ್ಯಾಯವಿಧಾಯಕ ಸಭೆಯಲ್ಲಿ ಚರ್ಚೆಗೆ ತರಬೇಕೆಂದು ಉದ್ದೇಶಿಸಲಾಗಿದೆ.

ಸೇವಿಂಗ್ಸ್ ಸರ್ಟಿಫಿಕೇಟುಗಳು ಒಬ್ಬರ ಹೆಸರಿನಲ್ಲಿರುವುದಕ್ಕೆ ಬದಲಾಗಿ ಜಂಟಿಯಾಗಿ ಒಬ್ಬರಿಗಿಂತ ಹೆಚ್ಚು ಮಂದಿಗಳ ಹೆಸರಿನಲ್ಲಿದ್ದು, ಅಂಥ ಜಂಟಿ ದಾರರಲ್ಲಿ ಕೆಲವರಾಗಲಿ ಅಥವಾ ಎಲ್ಲರೂ ಆಗಲಿ ಮೃತಪಟ್ಟಲ್ಲಿ, ಆ ಜಂಟಿ ದಾರರುಗಳ ಹೆಸರುಗಳಲ್ಲಿರುವ ಆ ಸರ್ಟಿಫಿಕೇಟುಗಳ ಮೊಬಲಗುಗಳನ್ನು ಪಾವತಿಮಾಡುವುದಕ್ಕಾಗಿ, ಸೆಕ್ಯೂರಿಟಿಗಳ ಆಕ್ಟಿನ 4ನೆಯ ಪ್ರಕರಣದಲ್ಲಿ ವಿಧಾಯಕವಾಗಿರುವ ರೀತಿಯಲ್ಲಿಯೇ ಕಾನೂನು ನಿಯಮಗಳನ್ನು ವಿಧಾಯಕ ಮಾಡುವುದಕ್ಕಾಗಿಯೂ ಇದೇ ಅವಕಾಶವನ್ನೇ ಉಪಯೋಗಿಸಿಕೊಳ್ಳಲಾಗಿದೆ.

(6)

GOVERNMENT BUSINESS.

BILLS.

I. GENERAL PRINCIPLES OF THE BILL TO AMEND THE SOCIETIES REGISTRATION ACT.

The Secretary to Government, Local Self Government Department, explained the general principles of the bill as follows:

(Here enter the printed statement).

Mr. B.L. BYANNA enquired whether the fine of Rs. 2/- per day of delay on the part of the defaulting society was leviable from the Secretary or from the funds of the Society concerned.

Mr. P.H. KRISHNA RAO replied that it was payable by the society.

Mr. K. VENKATARAMIAH, MR. Y.V. MUNISWAMI IYER, and Mr. S.C. BELURIAH were of opinion that the Secretary or other office bearer who was responsible for the delay must be made to pay the fine and not the society.

Mr. P.H. KRISHNA RAO said that the suggestion would be considered by Government.

Mr. T. MADIAH GOWDA said that ever since the Societies Registration Act was passed in 1904, The Government were registering every Society that applied for it and paid a fee of Rs. 10/-, but once a society was registered the Department never took the trouble to enquire whether it was working regularly or not. This state of affairs was brought to the notice of Government by certain non-official members at the Legislative Council through a cut motion 3 or 4 years ago and the Government were requested to suitably amend the Act so as to ensure proper working of all the registered societies. Though Government had promised to take early action in this behalf they had put off the question so far. But the member was thankful that they had taken action now, belated though it was.

Proceeding, the member pointed out that some of the provisions in the bill were not in accordance with the representations made in the Legislative Council and ~~the~~ in the Assembly. The idea was to provide for the cancellation of the registration of such of the societies as were not working properly. As the bill did not contain such a provision, he hoped it would be provided for in the rules to be framed for carrying out the purposes of the Act.

As regards the fine of Rs.2/- proposed to be levied for every day of delay in submitting the audited balance sheet and accounts, the member said that the penalty was too heavy. He thought that a fine of Rs.2/- a month might be more reasonable

With regard to the levy of a filing fee one rupee for each of the lists of members and the balance sheet, he said that it was a needl levy which would work as a hardship on many re gious and charitable institutions, the bulk of which were financially weak. Once a society registered, it would become a duty of that s to send up lists of members, etc., every y This being a normal duty, the speaker did co the justice of levying a fee every time s were filed.

With regard to the statement that the societies were receiving Government to their working, the member urged that Government ought to exercise a check over the wor every society so long as it was a reg insti

therefore it was necessary have a check over their working, the member urged that Government ~~ought~~

institution weether it was in receipt of a grant-in-aid from the Government or not. The member next referred to the pointxxg about framing of rules for the effective supervision of the societies by demanding the annual audited balance sheets and statements of accounts and reports, and said that it ought to suffice if copies of those documents were submitted to the Department, the originals being preserved in the concerned societies.

Mr. P.V. KRISHNA RAO replied that the suggestion would be considered.

As regards the audit of the societies, Mr.Madiah Gowda represented that the fee payable by a society to the auditor must be fixed at a reasonable figure. No doubt, the Department had distributed the societies into certain groups and appointed auditors for each group; but the scale of fees prescribed by the Department might be too heavy from the point of view of the finances of individual societies. He therefore requested that the fee payable be determined with due regard to the financial position of the concerned society.

On the whole, he felt that it was necessary for the Department to exercise due control over the working of societies in general and for this reason, he supported the measure wholeheartedly.

Mr. B. G. RANGAPPA considered that it would be difficult for the bulk of the societies to have their accounts audited annually by a person holding a certificate granted by the Government under the Companies Act. Most of the societies falling under the Societies Registration Act were poor and could not afford to pay the heavy fee that certified auditors usually demanded. Personally he felt that the object in view could be gained as well by insisting that the committee of management should get the accounts audited by a duly qualified auditor.

Mr. P.N. KRISHNA RAO replied that if the audit should be trusted, it should be conducted only by a certified auditor.

The SECOND MEMBER (Rajamantrapravina N. Madhava Rau) added that if a society was so poor as not to be able to pay even the audit fee, it could as well drop the idea of getting itself registered under the Act. There was nothing to compel every society to get itself registered.

Mr. P. SITARAMIAH considered that it was desirable for every religious and charitable institution to get itself registered not only to avoid any possible legal complications concerning itself but also that it might enjoy the confidence of the general public. In this view, registration in each case was desirable. And in view of the fact that the bulk of the societies were poor it was equally desirable that the Government should prescribe a very small fee for

audit

audit. He also added that the Department might create panels of auditors for each locality as they had done in the case of co-operative societies. The member agreed with the previous speaker that the levy of one rupee as fee for filing the list of members, balance sheet, etc., every year as also the fine of Rs.2/- per day of delay in submitting these documents would work as a hardship on most societies and requested that the provisions in respect of both the levies should be dropped. While admitting that the Government should have some kind of check over all the societies, he was only anxious that the check should be such as to make it possible for societies not only to register themselves but also to conduce to their good work.

Mr. P.H. KRISHNA RAO observed that certified auditors were easily available and so there was no need for creating panels for the various areas.

Mr. V. V. RAMA RAO was strongly in favour of making registration compulsory in the case of every society. But he was not in favour of imposing a fee for filing the Members' lists, etc. Nor was he in favour of the proposal to levy a fine of Rs.2/- per day in case of delay in submitting the annual returns. When a society did not send up the annual returns like list of members, audited balance sheet, etc., in spite of reminders, it was a clear proof of its not working well and the unsound condition of its finances. In such a case, no purpose would be served by prescribing such heavy fines.

No doubt, there was a provision which contemplated the recovery of fines, etc., as arrears of land revenue. But when the societies or those responsible for their working happened not to own any properties, the penal provision would serve no purpose. The member therefore urged that the levies contemplated ought to be waived particularly in the case of religious and charitable institutions.

Subject to the above modifications, he gave his whole-hearted support to the proposed legislation.

Mr. Dharmar BHANU and D. [illegible] RAMANAPPA urged that the fee payable for audit must be fixed with reference to the financial position of each institution. The latter added that the fee in case of default in the submission of annual returns be fixed at one rupee per day instead of Rs.2/- and urged that the fine if levied be recovered from the Secretary and not from the institution.

Mr. G. RAGHAVACHAR also supported the measure. But he was not in favour of any levy being prescribed either for filing the list of members, etc., or for delay in sending up the several documents. He also suggested that as in the case of ~~urban~~ rural co-operative societies, the inspectors should be instructed to draw up the balance sheets on behalf of the several societies. Otherwise, he feared that many a society might not think of registration at all.

Mr. [illegible] suggested that societies might be encouraged to have their accounts audited by any qualified auditor instead of its being done by a 'certified' auditor only. If this was permitted, he hoped that many qualified auditors would be forthcoming to render free service to the religious and charitable institutions without charging any fee.

Mr. [illegible] said that the time referred to in the statement viz., Rs.2/- was too high and that it might be fixed as the maximum limit of the fine that could be levied under that provision.

Mr. [illegible] realised that that was the idea.

Mr. [illegible] represented that even under the existing conditions it was difficult for societies to secure the services of secretaries in charitable institutions. If the measure provided for the levy of a fine of Rs.2/- for every day of delay and make it also recoverable from the secretary, it would become still more difficult for the societies to find workers. He therefore suggested that any fine that might be levied should be recovered from the institution concerned. In the next place, he suggested that some of the institutions maintained accounts in urdu and it would not be always possible to find certified auditors capable of auditing such accounts. He therefore commended the suggestion of Mr. [illegible] Venkatasamy that any qualified auditor might be permitted to audit the accounts of religious

charitable

charitable institutions.

Mr. G. [illegible], who spoke next, was no in favour of any fine being levied from societ for default in submitting the annual returns. thought that cancellation of registration wou serve as a sufficient punishment in all such c

Mr. S. [illegible] suggested that in levying a fine, the Govern ent might say i case of societies to which they were giving g as well as registration in-aid that the grants could be cancelled in cas the annual returns were not submitted in time.

Mr. Y.V. VISWANATHA IYER, however, was not in favour of this suggestion as cancellation of registration and stoppage of grants might adverse affect the interests of several members.

Mr. [illegible] was in favour of collecti any fines levied from the societies themselves instead of from the honorary workers.

Mr. V. LAKSHMI NARAYANA RAO was in favour of a discriminatory provision in the matter of levying fines and making the levy nominal in the case of poorer societies. As regards audit, he was of opinion that any qualified auditors might be permitted to audit the accounts. As an alternative, he suggested that each committee of management might be given the privilege of selecting any auditor they could get at, provided he was duly qualified.

Mr. V. [illegible] RAO, speaking on behalf of Government, explained that the proposed Act did not refer to money-making concerns. It related to religious and charitable institutions. In the case of societies in receipt of grants from Government, no such restrictions appeared necessary because, if there was default on their part, the Government could discontinue the grant and that in itself would be sufficient punishment. But the provisions of this Act would apply only to societies doing literary, scientific and such other work. In the case of such institutions the levy of fine was a necessary part of any scheme to bring them under control.

With reference to the remark of one of the previous speakers that while the members had gone on suggesting the action to be taken by Government to introduce legislation like this, the Government had continued to disregard it, ~~this~~, he was sorry to say, was an incorrect statement. In fact, so long ago as 1934, the Government had made a rule that if the audited balance sheet and annual report were not submitted in proper time, registration would be liable to be cancelled. But it had been found in actual experience that that rule was an ineffective one. If the registration was cancelled, it was not the erring office-bearers alone that suffered but all the members. For this reason, it was considered necessary to provide for the levy of fine as a punishment for default.

With regard to other suggestions such as (1) permitting any qualified auditor to audit the accounts

accounts of societies, and (2) the question of dispensing with the system of levying a fee every time that members' lists, etc., were filed, etc., Mr. NARAYANA RAU said that Government would examine how far those suggestions could be given effect to.. He however added that it had to be remembered that for scrutinizing the annual returns, a certain additional staff would have to be maintained in the Registrar's office and for meeting the cost thereof, it might be necessary to keep on the levy.

The general principles of the bill were, thereupon, put to vote and adopted.

At this stage, the House rose for lunch and reassembled at 3.10 P.M.

Gs 11-38-1 90

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

1111

Office of the Secretary, Mysore Representative Assembly,

No. 142-148 /R.A. Dated, Bangalore, 25 8 1938

Encl.

GEN. & REVENUE SECRETARIAT.
26 AUG. 1938
DEVELOPMENT BRANCH.

Official Memorandum.

The accompanying promises made on behalf of Government at the last Budget Session (June 1938) of the Representative Assembly are forwarded to Development Branch.

It is requested that necessary orders may kindly be obtained for treating the same as promises. Should they or any of them be treated as promises, the result of the final action taken on the promised item may be kindly communicated to this office for the same being noted in the register maintained here for the purpose.

Vol. 2727)

By Order,

Secretary, Mysore Representative Assembly.

1487 p 338 76

G. R. S. APP. F. III—1]

GENERAL AND REVENUE SECI

( )

NOTES.

File No.

FILE HEADING

FROM

No.	Dated	Received
Diary No.	Enclos. Spare copies	Serial No.

BRIEF ABSTRACT OF LETTER

NOTES AND ORDERS.

The file may be sent to the [illegible] by secretary for kindly putting up a copy of the Societies Registration Act as recently passed and published in the Gazette.

J.G.
31/8/35

Pro Bv

The bill has not yet been passed.
Re. this may be asked for
copy of Bill
31/8/35. MSK Dir POI

NOTES—First Sheet

"D 0283—GPB—3,750—25-1-38

71 14/6/1938 1111 D:374/R.A.

J. √ File No. 11 of . 1938.

General and Revenue Secretariat

R.A. + L.C. Letter to Mr. Orly intimating the present stage of the bill and sent up a copy of the bill introduced

1/9/38 A copy of the Bill is sent up

This has been referred to a Select Committee

OFFICE OF THE SECRETARY
1 SEPT. 1938
REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL.

1/9/38 (Secy. P.C.)

The Bill has been referred to the Select Committee for consideration and orders whether the provisions made by it may be considered by the Select Committee. Labour Member is seeing Labour on the suggestion made at flag R and the matter dealing with the same is before the Legal Dept. The suggestion to recommend the final form by the staff of the Society may be passed on to the Pro Bill for consideration after the Select Committee

2/9 Under Secy. / Private Secy. P.C.

2/9

2/9

Mr. T. RAMACHANDRA.—I have no objection.

The amendment was passed.

Mr. T. RAMACHAR.—Sir, May I now move the amendments which I had suggested ?

Mr. PRESIDENT.—I am sorry cannot allow you to move any amendment at this stage.

Mr. T. RAMACHAR.—They would not affect the merits of the Bill at all. They are verbal amendments.

Mr. PRESIDENT.—I am afraid you are too late. We cannot take them up now.

(b) Motion that the Bill as amended be passed.

Mr. T. RAMACHANDRA.—Sir, I now beg to move that the Bill as amended be passed. In making this motion I desire to thank Mr. K. T. Bhashyam Aiyangar who was then one of the member of this House and who took considerable pains to draft the original bill. I also thank the Select Committee members for the very great pains they took to examine the Bill clause by clause. The Bill emerging from the Select Committee is on the lines of the British Indian Act.

Mr. Belur SREENIVASA IYENGAR.—Sir, I beg to second the motion.

Mr. PRESIDENT.—The question is:

"That the Bill to remove all legal obstacles to the marriage of Hindu widows as amended be passed."

The motion was adopted.

10. Bill to amend the Societies Registration Act, 1904

(a) Motion that the Bill published under Rule 8 of the rules of business be read in Council.

The SECOND MEMBER (Rajamantrapravina N. Madhava Rau).—Sir, during the course of a cut motion in the Budget Session of the Legislative Council in June 1937 it was urged that the provisions of the Societies Registration Act, 1904 were inadequate to ensure effective supervisions of socieities and associations registered under the Act and that provision should be made to enforce the regular submission of annual statements of accounts and balance sheets. Government then gave the assurance that the question would be examined.

According to section 5 of the Act of 1904, a Society registered under the Act is required to file once a year a list of the names and addresses of members of the governing body. But there is no penal provision in the Act to enforce its submission. Though instructions were issued in 1935 for adopting the procedure for the removal of societies failing to file the list, they have not proved effective in improving the working of the societies in the absence of legal sanction therefor.

It is therefore considered desirable to amend the Act so as to provide for the submission of the balance sheet and statements of annual accounts. Fine

will be levied for default in submitti these returns. Power is also taken frame rules for the carrying out of t purposes of the Act.

The general principles of the bill were placed before the Representative Assembly at its recent session and they were approved by that body.

The SECRETARY TO GOVERNMENT, LOCAL SELF-GOVERNMENT DEPARTMENT (Mr. P. H. Krishna Rao).—Sir, I beg to second the motion.

Mr. D. H. CHANDRASEKHARAIYA—Sir, I have great pleasure in supporting this measure the necessity for which had long been felt. There are several socieities which have been receiving Government grants, but their working is not satisfactory and sometimes even the funds are misused. But the Government have had no power under the existing law to compel these societies to keep regular accounts or submit annual returns and balance sheets or other statements of receipts and expendtiruc. Hence the Government have done well in amending the Act so as to exercise better control and supervision over the working of these socities. There is one point which I wish to urge for the consideration of the Government. It is provided in the amendment that Re. 1 should be paid for filing of returns. I do not see any reason why a fee should be levied merely for filing returns, members' lists and balance sheets. I think this imposes an unnecessary burden on poor societies doing very good work. This provision ought to be deleted. With these observations, I beg to support the measure.

ಮಿ॥ ಕೆ. ಟಿ. ಸತ್ಯನಾರಾಯಣ ಶೆಟ್ಟಿಯವರು.—ಸೊಸೆ ೃಟಿಗಳು ಸರಿಯಾಗಿ ಕೆಲಸ ಮಾಡತಕ್ಕ ವಿಷಯದಲ್ಲ ಸರ್ಕಾರದವರು ಈ ಕಾನೂನನ್ನು ತಂದಿರುವುದು ಉತ್ತ ಮವಾದುದು ಎಂದು ನ್ನ ಭಾವನೆ. ಆದುದರಿಂದ ಈ ಮಸೂದಾ ಕಾನೂನನ್ನು ಸಮರ್ಥನೆ ಮಾಡುತ್ತ ಒಂದೆ ರಡು ವಿಷಯಗಳನ್ನು ಸರ್ಕಾರದವರ ಗಮನಕ್ಕೆ ತರಬೇ ಕೆಂದಿರುತ್ತೇನೆ. ಸೊಸೆ ೃಟಿಗಳವರು ತಮ್ಮ ವಾರ್ಷಿಕ ವರದಿಯ ಜೊತೆಗೆ ವರ್ಷದ ಆಯವ್ಯಯದ ಪಟ್ಟಿಯನ್ನು ಕಳುಹಿಸುವ ಕಾಲದಲ್ಲ ಒಂದು ರೂಪಾಯ ಕುಲ್ಮವನ್ನು ಅವರಿಂದ ವಸೂಲು ಮಾಡತಕ್ಕುದೆಂದು ವಿಧಾಯಕ ಮಾಡಿರುವುದು ಧರ್ಮವೆಂದು ನನ್ನ ಮನಸ್ಸಿಗೆ ಕಾಣುವು ದಿಲ್ಲ. ಎರಡನೆಯದಾಗಿ ಆಡಿಟರುಗಳಿಗೆ ಕೊಡಬೇಕಾದ ಫೀಜಿನ ವಿಚಾರ. ಆಯಾ ಸೊಸೆ ೃಟಿಯವರ ಆರ್ಥಿಕ ಪರಿಸ್ಥಿತಿಯನ್ನು ನೋಡಿಕೊಂಡು ಅವರು ಎಷ್ಟು ಪೊಬ ಲಗನ್ನು ಆಡಿಟರುಗಳಿಗೆ ಕೊಡಬೇಕೆಂದುದನ್ನು ನಿಷ್ಕರ್ಷೆ ಮಾಡುವುದು ಚೆನ್ನಾಗಿದೆಯೆಂದು ನನ್ನ ಅಭಿಪ್ರಾಯ. ಇನ್ನೊಂದು ಅಂಶವೇನೆಂದರೆ, ಯಾವ ಸೊಸೈಟಿಯವರು ತಮ್ಮ ಲೆಕ್ಕಗಳನ್ನು ಗೊತ್ತಾದ ಕಾಲದೊಳಗಾಗಿ ಕಳು ಹಿಸುವುದಿಲ್ಲವೋ ಅವರ ಮೇಲೆ ದಿನವೊಂದಕ್ಕೆ ಎರಡು ರೂಪಾಯಿಗಳ ಮೇರೆಗೆ ಜುಲ್ಮಾನೆಯನ್ನು ಹಾಕಬಹು ದೆಂದು ಈ ಕಾನೂನಿನ ಮೂರನೆಯ ಕ್ಲಾಜಿನಲ್ಲ ಹೇಳಿದೆ. ಅಲ್ಲದೆ ಈ ಪೊಬಲಗನ್ನು ಕಂದಾಯದ ಬಾಕಿಯಹಾಗೆ ವಸೂಲು ಮಾಡಬಹುದಾಗಿದೆ. ಇದು ಬಹಳ ಕಠಿಣವಾ ದುದು. ಸೊಸೆ ೃಟಿಗಳೆಲ್ಲವೂ ಸಾರ್ವಜನಿಕ ಸಂಸ್ಥೆಗಳು. ಅಂಥ ಒಂದು ಸಂಸ್ಥೆಯ ಮೇಲೆ ಯಾವ ಕಾರಣದಿಂದಲೇ ಆಗಲ ಜುಲ್ಮಾನೆಯನ್ನು ಹಾಕುವ ಅಧಿಕಾರವನ್ನು ಸರ್ಕಾರ ದವರು ತೆಗೆದುಕೊಳ್ಳುವುದೂ ಇಷ್ಟು ಕಠಿಣವಾದ ನಿರ್ಬಂ ಧವನ್ನು ಹಾಕುವುದೂ ಸರಿಯಲ್ಲ, ದಿವಸಕ್ಕೆ ಎರಡು ರೂಪಾಯಿ ಜುಲ್ಮಾನೆ ಎನ್ನುವುದು ಬಹಳ ಕಠಿಣವಾಗಿ ಕಾಣುತ್ತದೆ. ಆದುದರಿಂದ ಈ ಅಂಶಗಳನ್ನು ಪುನಃ ಆಲೋಚನೆ ಮಾಡಿ ಈ ಕಾನೂನನ್ನು ತೆಗೆದುಕೊಳ್ಳಬೇ ಕೆಂದು ಸೂಚಿಸುತ್ತೇನೆ.

Mr. T. RAMACHANDRA.—In supporting this measure I thank the Government for having taken very prompt steps on the cut motion moved in the Budget Session of the Legislative Council in June 1937 to the effect that the provisions of the Scieties Registration Act were inadequate to supervise societies and associations registered under the Act and suitable provisions should be made for the purpose. In our State there are various facilities enjoyed by the registered societies. In these circumstances it was particularly thought that a measure of this kind was a necessity though it may not be in consonance with the same law in other parts of India. As has been pointed out by the previous speaker, the filing fee of Re. 1 will work as a hardship in the case of poor societies. There are societies which conduct small schools or medical institutions. To insist upon them to pay this fee would be a hardship. According to this Bill they have already to pay for certified auditors for checking their accounts and balance-sheets. So I request the Government to delete that section relating to the filing fee of Re. 1. Clause 3 (c) provides for the fine levied to be recovered as an arrear of land revenue. I do not know if there are many societies which own any lands. This clause also will work as a hardship. Instead of adopting such a procedure, the recognition of such societies may be withdrawn. These charitable societies should not be compared to the joint stock companies which deal with large monies of the shareholders. They may be insisted upon to submit the returns and a fine may be levied for any default. In the case of these charitable institutions such action is not called for. For these reasons Clause 3 may be deleted.

Rajacharitavisarada Rao Sahib C. HAYAVADANA RAO.—Sir, this is a special measure which on the analogy of the Trading Companies Act has allowed special privileges to a select class of companies. This is a measure, if I may say so, intended really to facilitate the working of the societies which cannot come under what may be described as trading companies. They may be doing special kinds of work of public benefit. So Government thought, when they originally enacted this measure they could give special powers and they have given the powers. They also provided facilities for them to do various things which companies could do. The working of that Act has brought out various anomalies and also a certain amount, if I may so put it, of defranding the public from whom monies have been collected for purposes of general social welfare in the community. The statement of objects and reasons expalins in detail what action is proposed to be taken to set right these defects.

It is suggested that there are certain things which require to be carefully gone into. I dare say that the Select Committee will took into them and suggest suitable modifications if need be.

One point which needs special mention in the amended Bill is about the submission of a balance sheet and accounts audited by a certified auditor. I thick that is a very necessary measure. Anything that might facilitate to create public confidence in societies of this nature which get cheaply registered and get the name and fame of registered association in order that they might do some public work especially in matters affecting the social welfare of the people is one that can well pass muster under that name. I think there is complete unanimity in this matter.

In regard to filing, it is an important matter. I am sorry that there is some difference of opinion in the matter and one section of the House wants that no fees should be collected. A gift is none the less a gift even if it is hedged with some conditions. It is very necessary that these documents should be filed. Some amount of importance is attached to this filing and the small amount paid by way of fees is—I should say—usefully spent. The analogous Company's Act provides for the payment of Rs. 5 for filing documents. Here it is a nominal fee of Re. 1 because these institutions are not going to make any benefit.

Mr. D. S. MALLAPPA.—Has the hon. member taken into consideration the condition of these societies ?

Mr. C. HAYAVADANA RAO—If they are so bad, then the fees may be reduced to eight annas. This is a matter of detail. The number of societies that are registered is already great and their number will go on increasing. I think the general tax-payer who has nothing to do with these matters should not be ask to pay the charges. I think this small fee will not be a great burden in the institution.

Then I should like to refer to the levy of fine. In the Companies Act, I have expressed my view on this point that it is well to remember that non-submission of these documents is a penal offence. Unless there is some amount of penalty, we will not get the full benefit of the Act, especially the public that is paying money for keeping these societies going. I think likewise that the amount might probably be susceptable of decrease. It might be much less. It may be a token amount. It is a continuing offence and it requires continuing punishment. There are also other Acts where continuing fine is levied for continuing offence becuse the principle is very easily understood.

As regards recovering the fine as arrear of land revenue the principle is easily understood. What is the punishment in other cases ? If you like the man and put him in jail, the work of the society would be jeopardised. But if you suggest that it should be collected as revenue fine, the work of the societies would not be affected. This is a very simple way of putting it. I think it would be well for all concerned to leave it in the position in which it is sought to be brought up.

Khan Bahadur MAHOMED ABBAS KHAN.—Sir, I quite welcome this measure. The payment of a rupee once a year will not be a very heavy burden on the society. But I am concerned about the audit charges. These are charitable institutions. The law makes it obligatory that a certificate from a recognised auditor should be obtained. The charges to be paid in that connection will be heavy. If the Government could manage to lend the services of the auditors of the co-operative societies to audit the accounts of these charitable institutions and charge moderate fees, they would be rendering help to these charitable institutions. To pay hundreds of rupees to auditors for the auditing of accounts, would be an undesirable burden on societies. Therefore, I would suggest this aspect of the question being considered at the Select Committee. Further there are societies which have been maintaining accounts in the Urdu language. It will be extremely difficult to secure the services of certified auditors who are conversant with the Urdu language. This difficulty also will have got to be solved.

Mr. C. HYAVADANA RAO.—There may be graduates who will be coming forward to do this work.

Mr. MAHOMED ABBAS KHAN.—But we have got to wait till then. Meanwhile if the law is to be respected, I think necessary facilities should be provided. No doubt accounts could be maintained in any language. But the collection of subscriptions is made on vouchers written up in the Urdu language and to enable the auditor to exercise effective check, he would necessarily have to look into these vouchers. Therefore as to how this difficulty could be solved, is a matter for the kind consideration of Government. I suggest that if among the auditors of the Co-operative societies there are one or two auditors of the Musalman community they might be requested to give some relief to these charitable institutions. Otherwise the charges to be paid to the certified auditors would be exorbitant.

This law should have come into force long ago. I know there are certain societies which were registered about 20 years ago but have not yet submitted any returns. The only return that was expected of them was the list of governing body members. They have not done even that. But still on the registered list of societies their names exist. Therefore it is very desirable to enact this law. With these observations, I support this Bill.

Mr. Belur SREENIVASA IYENGAR.—Sir, clause 3 (*c*) says :—

> "If a Society fails to submit the returns as required by this section the Registrar shall call for the same to be submitted within a specified date, and if the Society still makes default in submitting the returns, the Registrar may levy a fine of Rs. 2 for every day during which the default continues."

The Section as it is, is wrong. Once the Registrar is authorised to fine

Rs. 2 for every day after there was a call for the same from him, the position becomes very difficult. Unless the default is proved to be wilful, such a penalty should not be enforced on the erring societies. Discretion should be given to the Registrar to extend time. You may remember that under Sections 21 and 22 of the Insurance Bill relating to the powers of the Superintendent of Insurance regarding returns, discretion is allowed to him to extend the time and if the default is not wilful, no fine is imposed. There was a lot of discussion on this point and you were kind enough to agree that there must be some latitude to the Superintendent of Insurance.

Mr. N. MADHAVA RAU.—Yes. This clause requires some consideration, perhaps.

***Mr. Belur SREENIVASA IYENGAR.**—What I am particular is that there must be some latitude to the Registrar far extending the time if in his opinion the default in submitting the returns is not wilful. Secondly, there must be a right of appeal for the societies against the orders of the Registrar. Also the fine imposed in the clause is too severe and it is not clear from what date this should be levied.

Mr. N. MADHAVA RAU.—From the date of default. Sir, the House, I take it, is generally agreed about the desirability of adopting the provisions in contained in the Bill. The criticisms made here have reference to some details. One member suggested that there should be no penal provisions at all, and that there should be no fine levied in case of default in submitting the prescribed statements. This want of a penal provision is just the reason why our present Act has failed of its purpose. Till now the Registrar had no power to enforce the filing of these documents. The result has been that even the names of the members of the governing body which the societies have to file have not been filed in the majority of the cases. Only about 10 or 11 out of 210 registered societies, are conforming to the law. Following the analogy of the practice in Madras, an attempt was made to remove or cancel the registration of defaulting societies. What is the result of such cancellation of registration? The society cannot thereafter sue or be sued as a registered society. Every one who has defaulted escapes. Unless we have got some such penal provision, it is not possible to tighten the working of this Act. It was therefore considered necessary to have some penal provisions.

I agree with Mr. Belur Sreenivasiengar that the drafting of clause 3 (c) of the Bill might be improved. This will be duly attended to in the Select Committee.

With regard to the suggestion made by Khan Bahadur Mahomed Abbas Khan that the auditors of the Co-operative Department should be made to audit the accounts of the charitable institutions also, I should like to say that it is a matter for the societies

themselves to make due arrangements. The Government can give no instructions because the staff of auditors employed on behalf of the co-operative societies are not Government servants. The Registrar has power to appoint these resgitered or certified auditors for auditing the accounts of the societies and a scale of fees is prescribed. But they are members of a Government Establishment under the control of the Registrar. Therefore societies themselves have got to make suitable arrangements with the certified auditors and I am sure many of the auditors would be willing to audit the accounts of these charitable institutions for a suitable fee. But that is entirely a matter between themselves.

As regards the Societies which maintain their accounts, in Urdu if there is a paucity of certified auditors knowing the Urdu language, it would be quite possible by some little change in the wording of the section to provide for special auditors approved by the Government. This matter also may be gone into in the Select Committee stage. I take it therefore that the House as a whole is agreeable to this Bill.

Mr. PRESIDENT.—The question is:

"That the Bill to amend the Societies Registration Act, 1904, published under Rule 8 of the Rules of Business be read in council."

The motion was adopted.

(*b*) *Motion that the Bill be referred to a Select Committee.*

Mr. N. MADHAVA RAU.—Sir, I beg to move that the Bill to amend the Societies Registration Act, 1904 be referred to a Select Committee composed of the following members:—

1. Mr. M. Venkatesa Iyengar.
2. Mr. M. S. Ramachandra Rao.
3. Mr. P. H. Krishna Rao.
4. *Khan Bahadur* Mahomed Abbas Khan.
5. Mr. D. V. Gundappa.
6. Mr. D. H. Chandrasekharaiya and

Myself.

Mr. P. H. KRISHNA RAO.—Sir, I beg to second the motion.

Mr. PRESIDENT.—The question is:

"That the Bill to amend the Societies Registration Act of 1904 be referred to a Select Committee composed of the members mentioned by the mover."

The motion was adopted.

At this stage the Council rose for lunch to meet again at 3-30 *p.m.*

(2.) With reference to a suggestion that the fine that would be levied under the Societies Registration Act, for the delay on the part of the defaulting society should be met by the Secretary or the office-bearer who was responsible for the delay, the Secretary to Govt. R.S.G. Department said that the suggestion would be considered.

Statement of Objects and Reasons.

The Mysore Societies Registration Act, III of 1904, was framed on the model of the British Indian Societies Act XXI of 1860, which (with the exception of two minor amendments, Act XXII of 1927 and Act II of 1912) has not been amended.

According to section 5 of the Act, a Society is required to send a list of Members of the Governing Body and there is no penal provision in the said Act to enforce its submission. Several Societies have been registered and there is no record whether they are working or not. There have been several complaints of mismanagement of Societies, and in the absence of any provision for the submission of "Receipt and Expenditure" accounts by these Societies, there is no check on their working.

There have been several representations in the Representative Assembly and Legislative Council, for measures to check effectively the management of these Societies.

Though in the year 1935, rules for the removal of the names of defunct Societies, and for the destruction of their records, etc., based on the rules in force in Madras, were introduced here also, yet these provisions have not improved the working of these Societies much.

In the last June Session of the Legislative Council it was urged, that rules, for the effective supervision of the Societies by demanding the annual audited Balance Sheets and Statements of Accounts and Reports, might be framed, and that on default by the Societies, registration might be cancelled. As most of the Societies receive Government grants it is necessary to have a check over their working.

With a view to secure effective control over the Societies, it is proposed to insist on the submission of a balance sheet and accounts audited by a person who has been granted a certificate by Government under section 144 of the Mysore Companies Act, 1917. The levy of a filing fee of rupee one, for each of the lists of members and the balance sheet is also provided for.

The Registrar is empowered to call for the above documents in case of default on the part of the Societies, and to levy, in his discretion, a fine of Rs. 2 per day of delay. To facilitate the recovery of fines, provision has been made for their recovery as arrears of Land Revenue.

Provision is also made empowering the Government to frame rules for carrying out the purposes of the Act.

Printed by the Superintendent at the Government Press, Bangalore.

82

NOTIFICATION.

No. 3811—*L. C., dated Bangalore, 26th May* 1938.

Under Rule 8 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill to amend the Societies Registration Act, 1904, is published for general information with the statement of objects and reasons.

By Order,
A. SUNDARARAJA RAO,
Secretary,
Mysore Legislative Council.

Bill to amend the Societies Registration Act, 1904.

Whereas it is expedient to amend the Societies Registration Act, 1904; It is hereby enacted as follows:

1. This Act may be called the Societies Registration (Amendment) Act, 193

2. Section 5 of the Societies Registration Act, 1904 (hereinafter referred to as the said Act), shall be numbered as clause (a) thereof and to that clause the following words shall be added at the end, namely.

"and a copy of the Balance Sheet together with a statement of receipts and expenditure audited by a person who has been granted a certificate by Government under section 144 of the Mysore Companies Act, 1917, shall also be filed with the Registrar of Joint-Stock Companies at the same time."

3. After clause (a) of section 5 of the said Act, the following clauses shall be inserted, namely,—

"(b) A filing fee of one rupee each shall be paid along with the list and the Balance Sheet referred to in clause (a). The said fee may be paid either by affixing Mysore Court Fee Stamps or by crediting the amount to any Government Treasury and by attaching the duplicate chellan to the documents."

'(c) if a Society fails to submit the returns as required by this section the Registrar shall call for the same to be submitted within a specified date, and if the Society still makes default in submitting the returns, the Registrar may levy a fine of Rs. 2 for every day during which the default continues. The fine so levied shall be recoverable as an arrear of land revenue."

4. After section 21 of the said Act, the following new section shall be added, namely,—

"22. The Government may make such rules as it thinks expedient for the carrying out of the purposes of this Act."

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 22nd September 1937.
23rd

No. D 2482 / J.S 13-37-2
Encl one

From

The *Secretary to the Government of His Highness the Maharaja of Mysore,*
Development Department.

To

The Registrar of Joint Stock Companies in Mysore,
Bangalore.

Sir,

At the last budget session of the Legislative Council, the Government promised to examine the question of the adequacy of the provisions of the law relating to the registration of ~~Companies~~ Literary, Scientific and charitable Societies (vide Regn No III of 1904) ~~Societies~~. I am directed to request you to kindly examine the question and submit a report together with a brief statement giving the main provisions of law relating to such societies in Mysore, British India and Great Britain.

An extract of the proceedings of the Legislative Council is enclosed for reference.

The matter may be kindly treated as urgent.

I have the honor to be,
Sir,
Your most obedient servant,

Dft) 23.9.37

For Secretary to Government,
Development Department.

S.R.2

2

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. D 2482/DS 13-37-2
Enclosure

Dated, Bangalore, 23rd September 1937.

From

The *Secretary to the Government of His Highness the Maharaja of Mysore,*
Development Department.

To

The Registrar of Joint Stock Companies in Mysore,
Bangalore.

Sir,

At the last Budget session of the Legislative Council the Government promised to examine the question of the adequacy of the provisions of the law relating to the registration of Literary, Scientific and Charitable Societies (vide Regulation No. III of 1904). I am directed to request you to kindly examine the question and submit a report together with a brief statement giving the main provisions of law relating to such societies in Mysore, British India and GreatBritain.

An extract of the proceedings of the Legislative Council is enclosed for reference.

The matter may be kindly treated as urgent.

I have the honor to be,
Sir,
Your most obedient servant,

/Illegible

for Secretary to Government,
Development Department.

TRM·2

No. C.317/37-38

Encl.

DEVELOPMENT SECRETARIAT J.S. 13-37-3
22 NOV. 1937
DEVELOPMENT BRANCH

OFFICE OF THE REGISTRAR OF
JOINT STOCK COMPANIES IN MYSORE,
Bangalore, dated...19th November...*193*7.

1249
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FROM

S. Abdul Wajid, Esquire, B.A.,
THE REGISTRAR OF JOINT STOCK COMPANIES
IN MYSORE, BANGALORE.

To

M. Venkatanaranappa, Esquire, B.A.,
The Secretary to the Government of
His Highness the Maharaja of Mysore,
Development Department,
BANGALORE.

SIR,

With reference to your letter No.D.2482/J.S.13-37-2 dated the 23rd September 1937, regarding the adequacy of the provisions of the Law relating to the Registration of Literary, Scientific and Charitable Societies (Regulation III of 1904), I have the honour to state that a copy of the Literary and Scientific Institutions Act of 1854 (17 & 18 Vict. Ch.112) is not available in this office.

2. Messrs. Higginbothams and Butterworth & Co., Madras, were not able to supply a copy of the said book, while Messrs. Butterworth & Co., Calcutta, have replied that arrangements have been made for getting a copy from their Head office at London.

3. A further report will be submitted to Government after receipt of the above book.

Submit with regrets for present
the receipt of a further report
will be awaited

I have the honour to be,
Sir,
Your most obedient servant

REGISTRAR.

GG.

G. 13-37-4

No. C. 317/37-38

Encl. three

OFFICE OF THE REGISTRAR OF
JOINT STOCK COMPANIES IN MYSORE,

Bangalore, dated....20th December *193* 7.

FROM

S. Abdul Wajid, Esquire, B.A.,
THE REGISTRAR OF JOINT STOCK COMPANIES
IN MYSORE, BANGALORE.

21 DEC. 1937

To

M. Venkatanaranappa, Esquire, B.A.,
THE Secretary to the Government
of His Highness the Maharaja of Mysore,
Development Department,
BANGALORE.

SIR,

In continuation of this office letter No.C.317/37-38 dated the 19th November 1937, regarding the amendment of the Law relating to the Registration of Literary, Scientific and Charitable Societies, (Regulation III of 1904), I have the honour to state that Messrs. Butterwo & Co., have expressed their inability to supply a copy of the Act in force in Great Britain. The Indian Act is based on the English Act, (Vide page 3, Mellor's Joint Stock Companies Manual) and our Law does not materially differ from the Indian enactment.

2. The Registrars of Bombay, Madras and Bengal were consulted i the matter in the year 1935. From their replies (copies enclosed) i is seen that no rules have been framed by the Government under the Societies Registration Act of 1860, that there is no provision in the Act to prescribe rules thereunder and that in the absence of a penal clause in the said Act, no action can be taken, if a Society persists in continuing the default in submitting the annual list of the Governing Body, failing which, the procedure in Madras, which has been ordered to be adopted here also (Vide Development Secretary's letters No.D.2271/J.S 40-34-9, and D.2273/J.S. 40-34-10 dated the 2nd October 1935) is to remov the name of the defaulting Society from the Register, entailing the loss of Status and the consequent loss of the Civil privileges they enjoy. This evidently is considered in Madras as enough to ensure a proper working of the Society, the Registration itself being voluntary.

3. If a more effective check is contemplated as urged by the members of the Legislative Council, the only way to do it, is to amend the Regulation in some such way as by empowering the Registrar:-

(a) to call for a copy of the audited accounts (Balance sheets) and a list of the Executive Committee Members, as on 1st April of every year, with a filing fee of Rupee One for each of the above documents, and

(b) to levy fine say Rs.2/- per day for delay in the submission of the above documents.

I have the honour to be,
S i r,
Your most obedient servant,

GG.

REGISTRAR.

Copy of letter No.C.895 Dated the 27th August 1935, from M.R.Ry.Diwan Bhadur B.V. Sri Hari Rao Nayudu Garu, B.A.B.L., - Registrar of Joint Stock Companies, Madras, to The Registrar of Joint Stock Companies in Mysore, Bangalore.

-----:0:-----

Ref:- Your letter No.C.227/35-36 dated 12-8-35 - Filing of Annual Lists under Sec.4 of Act XXI of 1860.

The Local Government have sanctioned the destruction of the Documents and records of such of the defunct societies as have not been dissolved under the provisions of the societies Registration Act, (ActXXI of) 1860, and of which nothing has been known or heard for seven years. Accordingly, if a Society registered under Act XXI of 1860 omits to file annual lists of the Governing Body without assigning satisfactory reasons for the non-filing, it stands liable to be treated as having become defunct, when its records will be destroyed in due course after notifying the fact in the local official Gazette. As the Act is one of the oldest acts and consequently very obsolete and defective, no other action is possible.

2. No Rules have so far been framed under the Act.

3. I enclose herein a copy of the Proceedings issued by me in the matter referred to above, for the guidance of Assistant Registrars of Joint Stock Companies in this Presidency together with a sample form of notice that is being sent to defaulting societies.

" C O P Y. "

FOR REGISTRAR.

Copy of letter No.G/2363 dated the 16th August 1935, from N.K. Majumder, Esquire, M.A., G.D.A., R.A., Registrar of Joint Stock Companies, Bengal, to The Registrar of Joint Stock Companies in Mysore, Bangalore.

-----:0:-----

With reference to your letter No.C 227/35-36 dated the 12th August 1935, I have the honour to say that, in the case of a default of a society registered under Act XXI of 1860 in filing the annual list of members of its Governing body, a reminder is usually sent by this office to the last known address of the society. In the absence of any penal clause in Section 4 of the said Act, no further action can possibly be taken in the matter, if the society persists in continuing the default.

So far as I am aware, no Rules have been framed by Government under the Societies Registration Act, 1860.

" C O P Y. "

FOR REGISTRAR.

Copy of letter No.O/689 of 1935-36 dated the 16th August 1935, from the Registrar of Companies, Bombay, to the Registrar of Joint Stock Companies in Mysore, Bangalore.

-----:O:-----

With reference to your letter No.C227 dated 12th Instant, I have the honour to state that no proceedings are instituted by this office in respect of default in filing the annual list of the Governing body as in the absence of any penal provision in the Societies Registration Act, 1860, as such proceedings can hardly be successful.

2. As regards the concluding paragraph of your letter, I may state that there is no provision in the Act to prescribe any rules thereunder.

" C O P Y. "

P. Ramanaiah

FOR REGISTRAR.

1912

Appendix F G—1]

SUBJECT .....

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Section J. S

File No. 13-37

Serial No. 5

No. D 5152

Diary No. of letter replied to.....

To

The Registrar of J. S. Companies

Sir,

I write to refer to the Correspondence ending with your letter No C 317/37-38 dated the 20th Dec 1937 re the Amendment of Registration of Literary Scientific and Charitable trusts Act of 1904. I am directed to state that Govt approve of your proposal to amend the Act as suggested ~~Calling for a copy of the Auditor accounts etc and to levy a fine for delay and default etc refers to~~ in the last para of your letter under acknowledgement. And to request you to bring forward a ~~draft~~ draft of a Bill with necessary Amendments, with ~~and~~ its Statement

Date of issue 20-1-38

Signed by Mr K. Srinivasan

List of enclosures.....

Copied by Fig 19/1

Examined by 21

to
of objects and names etc at an
early date

I have etc

MN
17.1.38

Dewdney
Key L&G.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. D 5152

Dated, Bangalore, 19th January 1938

From

The Secretary to the Government of His Highness the Maharaja of Mysore,
Local Self-Government Department.

To

The Registrar of Joint Stock Companies in Mysore,
Bangalore.

Sir,

With reference to the correspondence ending with your letter No.C.317/37-38 dated the 20th December 1937 regarding the amendment of Registration of Literary Scientific and Charitable Societies Act of 1904, I am directed to state that Government approve of your suggestion to amend the Act as suggested in the last para of your letter under advertence and to request you to kindly forward a draft of a Bill with necessary amendments with the statement of objects and -- reasons at an early date.

I have the honor to be,

Sir,

Your most obedient servant,

19.1.38.

For Secretary to Government
Local Self Government.

c.r..2

4346 12

No. C.317/37-38
Encl. One

OFFICE OF THE REGISTRAR OF
JOINT STOCK COMPANIES IN MYSORE,
Bangalore, dated...10th February..*1938*.

J.S 13-37-6

FROM

S. Abdul Wajid, Esquire, B.A.,
REGISTRAR OF JOINT STOCK COMPANIES
IN MYSORE, BANGALORE.

11/2/38

To

M. Venkatanaranappa, Esquire, B.A.,
SECRETARY TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE,
DEVELOPMENT DEPARTMENT,
BANGALORE.

GEN. & REVENUE SECRETARIAT. DEVELOPMENT BRANCH.

SIR,

With reference to the correspondence ending with your letter No.D 5152/J.S. 13-37-5 dated the 19th/20th January 1938, regarding the amendment of the Act for the Registration of Literary, Scientific and Charitable Societies, (Act III of 1904) I have the honour to forward herewith a draft bill with the statement of objects and reasons.

I have the honour to be,
S i r,
Your most obedient servant,

Abdul Wajid.

GG.

REGISTRAR.

ACT OF 1938.

(13

Whereas it is expedient to amend the Act III of 1904, relating to the Registration of Literary, Scientific and Charitable Societies, it is hereby enacted as follows:-

1. This Act shall be called the Registration of the Societies Literary, Scientific and Charitable Societies (Amendment) Act of 1938.

1) Renumber the existing Section 5 as 5(a), and in line 8, after the word "Society" insert "with a filing fee of Rupee one only."

2) Insert ~~Substitute~~ a new Sub-Section as (5. b) as follows:-

Once in every year, each Society should file with the Registrar, on or before the 1st March, a copy of the Balance Sheet together with a statement of receipts and expenditure as on 31st December of the preceding year, audited by a person who has been granted a certificate by Government, under Section 144 of Mysore Companies Act, 1917, with a filing fee of Rupee one only. The fee may be paid either by affixing Mysore Court Fee Stamps, or by crediting the amount to any Mysore Government Treasury and by attaching the duplicate Chellan to the documents.

3) Insert the following as Sub-Section (c) to Section 5:-

If any Society fails to submit the said returns, the Registrar shall have power to call for the same and to levy in his discretion a fine of Rs.2/- per day for delay in the submission of the above documents. The fine when levied will be recoverable as arrears of Land Revenue.

14

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. R 2811-16. Dated, Bangalore, 6/12/- 1938

Official Memorandum.

A meeting of the Select Committee appointed to consider the Societies Registration (Amendment) Bill will be held in the Chambers of the Second Member of Council, Public Offices Buildings, Bangalore at 2 P.M. on Tuesday the 13th Dec 1938.

By Order,

S/12

Secretary to the Committee.

To 1) M. Venkatesa Iyengar Esq, M.A
2) M. S. Ramaswamy Mudaliar Esq B.A
3) P. M. Krishna Rao Esq M.A
4) Khan Bahadur Mohammed Abbas Khan
5) D. V. Gundappa Esq
6) D. H. Chandrasekharaiya B.A., LL.B
Captain P. A. Krishnaswamy Mudaliar

10 copies 16

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P2887-92 Dated, Bangalore, 8/12/1938

Official Memorandum.

A meeting of the Select Committee appointed to consider the Societies Registration (Amendment) Bill will be held in the Chambers of the Secretary Member of Council, Public Offices Buildings, Bangalore at 2 P.M. on Friday the 16th Dec 1938 instead of the 15th vide this office memo No. 2811-16 dated 16-12-1938

By Order,

Secretary to the Committee.

To 1) Mr. Venkata Rao Retired Dy. Com. A
2) Mr. S. Ramachandra Rao Esq B.A
3) P. N. Krishna Rao Esq Dy. Com. A
4) Khan Bahadur Mr. Mahomed Abdul Wahid
5) D. V. Gundappa Esq
6) D. N. Chandrasekharaiya Esq B.A., Vakil

Appendix F G—1]

SUBJECT .....

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Section

File No.

Serial No.

Diary No. of letter replied to.....

D.O. No. P3183-7/Genl

To

Dear Sir,

I am directed to forward herewith a copy of the report of the Select committee on the Societies Registration (Amendment) Bill and to request you to kindly return the same with your approval at your early convenience.

Yours truly,

General and Revenue Secretariat

( )

the 193 .

Please make 8 copies

Date of issue 21/12/38

Signed by Mr. A.S.R

List of enclosures.....

20) Sri Venkatalila Adigalavaru Esq., M.A

2) P. V. Krishnaswami Rao Esq., M.A

3) Khan Bahadur Mohammed Ahmed Ibrahim Sahib

4) D. V. Gundappa Esq

5) D. V. Chandrasekharia Esq B.A.B.L

Copied by .....

Examined by.....

WD 0521—GPB—30,000—12-3-37

16

G. R. S. VI.—S-III/14]

DRAFT.

SUBJECT.....

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Section. Legis
File No. 31 – 38
Serial No. 1

Proceedings of the Government of H. H. the Maharaja of Mysore.

Diary No. of letter replied to.....

Order No. P 4372 Legis 1

GENERAL AND REVENUE SECRETARIAT,
( )
, the.....*191*

Ordered that the accompanying Act to amend the Societies Registration Act, 1904 which received the assent of His Highness the Maharaja, on the Seventh day of February 1939, be published as Regulation No. V of 1939, in the *Mysore Gazette* for general information

Date of issue 14/2/39

Signed by Mr. K. S.

13. 2. 39
General *Secretary to Government.*

13-2

May this be—

(i) Printed?

(ii) Treated as a standing order?

(iii) Published in the "Gazette" English part?

(iv) Translated?

(v) Placed at the disposal of the Press?

(vi) Published in the "Gazette" Kannada part?

To

The Compiler, *Mysore Gazette*, for publication in Part III of the Gazette, in English and Kannada and for supply of .....spare copies in English, and .....~~spare copies~~ in Kannada ~~to~~ this office, and.....~~spare copies in English and~~.....~~spare copies in Kannada to the Curator, Government Central Book Depot, Bangalore~~. Proofs should be sent to this office for approval before publication. as per standing order

Copy to Translation Section

Act V of 1939

(Received the assent of His Highness the Maharaja on the Seventh day of February 1939)

Bill to amend the Societies Registration Act, 1904.

As amended by the Select Committee.

(*Omissions are enclosed in square brackets and additions are indicated in italics.*)

Whereas it is expedient to amend the Societies Registration Act, 1904; It is hereby enacted as follows:—

1. This Act may be called the Societies Registration (Amendment) Act, 1939.

2. Section 5 of the Societies Registration Act, 1904 (hereinafter referred to as the said Act), shall be numbered as clause (a) thereof and [to that clause the following words shall be added at the end, namely:] *the following clause shall be added as clause* (*b*),

"[and] (*b*) A copy of the Balance Sheet together with a statement of receipts and expenditure audited by a person who has been granted a certificate by Government under section 144 of the Mysore Companies Act, [1917] *1938, or by a special auditor approved by Government,* shall also be filed with the Registrar of Joint-Stock Companies at the same time."

3. After clause [a] (*b*) of section 5 of the said Act, the following clauses shall be inserted, [namely:] *as clauses* (*c*) *and* (*d*)—

"[b] (*c*) A filing fee of [one rupee] *eight annas* each shall be paid along with the list and the Balance Sheet referred to in clauses (*a*) *and* (*b*). The said fee may be paid either by affixing Mysore Court Fee Stamps or by crediting the amount to any Government Treasury and by attaching the duplicate chellan to the documents."

"[c] (*d*) If a society fails to submit the returns as required by *clauses* (*a*) *and* (*b*) *of* this section, the Registrar shall *issue a notice calling* [call] for the same to be submitted within a specified

20

date *not earlier than fifteen days from the date of notice. If such a society applies for extension of time before the date specified, the Registrar shall have the power to extend the period from time to time not exceeding two months in all from the date specified by the Registrar.* ~~[and]~~ If the society ~~[still]~~ makes default in submitting the returns *on or before the date specified by the* Registrar, *he shall* ~~[may]~~ levy a fine of ~~[Rs. 2]~~ *eight annas* for every day ~~[during which the]~~ *of* default ~~[continues].~~ The fine so levied shall be recoverable as an arrear of land revenue."

Addition of S 22B Act III of 1904

4. After section 21 of the said Act, the following new section shall be added, namely:—

"22. The Government may make such rules as it thinks expedient for the carrying out of the purposes of this Act."

(Sd) Mirza M Ismail
Dewan

13.2.39
General Secretary to Govt

WD 1228—GPB—250—11-1-39

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE.

19 4 20

Read:-

O R D E R NO.

Dated, Bangalore, the 14th February 1939.

Ordered that the accompanying Act to amend the Societies Registration Act, 1904 which received the assent of His Highness the Maharaja, on the Seventh day of February 1939, be published as Act No.V of 1939, in the Mysore Gazette for general information.

General Secretary to Government.

To

The Compiler, Mysore Gazette, for publication in Part III of the Gazette, in English and Kannada and for supply of spare copies in English and in Kannada as per standing orders. Proofs should be sent to this office for approval before publication.

mk.4

NOTIFICATION.

Order No. P. 4372—*Legis.* 31-38-1, *dated, Bangalore, the* 14*th February* 1939.

Ordered that the accompanying Act to amend the Societies Registration Act, 1904, which received the assent of His Highness the Maharaja, on the seventh day of February 1939, be published as Act No. V of 1939, in the *Mysore Gazette* for general information.

K. SUBBA RAO,
General Secretary to Government.

ACT V OF 1939.

(Received the assent of His Highness the Maharaja on the seventh day of February 1939).

An Act to amend the Societies Registration Act, 1904.

Whereas it is expedient to amend the Societies Registration Act, 1904; It is hereby enacted as follows :—

1. This Act may be called the Societies Registration (Amendment) Act, 1939.

Amendment of section 5 of Act III of 1904.

2. Section 5 of the Societies Registration Act, 1904 (hereinafter referred to as the said Act), shall be numbered as sub-section (a) thereof and the following sub-section shall be added as sub-section (b):—

> " (*b*) A copy of the balance sheet together with a statement of receipts and expenditure audited by a person who has been granted a certificate by the Government under section 144 of the Mysore Companies Act, 1938, or by a special auditor approved by the Government, shall also be filed with the Registrar of Joint-Stock Companies, at the same time."

Amendmnt of section 5 of Act III of 1904.

3. After sub-section (*b*) of section 5 of the said Act, the following sub-sections shall be inserted, as sub-sections (c) and (d) :—

> " (*c*) A filing fee of eight annas each shall be paid along with the list and the balance sheet

22

referred to in sub-sections (a) and (b) The said fee may be paid either by affixing Mysore Court Fee Stamps or by crediting the amount to any Government Treasury and by attaching the duplicate chellan to the documents."

"(*d*) If a society fails to submit the returns, as required by sub-sections (a) and (b) the Registrar shall issue a notice calling for the same to be submitted within a specified date not earlier than fifteen days from the date of notice. If such a society applies for extension of time before the date specified, the Registrar shall have the power to extend the period from time to time not exceeding two months in all from the date specified by the Registrar. If the society makes default in submitting the returns on or before the date specified by the Registrar, he shall levy a fine of eight annas for every day of default. The fine so levied shall be recoverable as an arrear of land revenue."

Addition of section 22 to Act III of 1904.

4. After section 21 of the said Act, the following new section shall be added, namely,-

"22. The Government may make such rules as it thinks expedient for carrying out the purposes of this Act."

MIRZA M. ISMAIL,
Dewan.

Price: 0-0-3

Printed by the Superintendent at the Government Press, Bangalore.